

THE CAMBRIDGE JOURNAL

Editorial Board

D. W. BROGAN, M.A. C. W. GUILLEBAUD, M.A. MICHAEL
OAKESHOTT, M.A. M. POSTAN, M.A. BASIL WILLEY, M.A.

General Editor: T. F. D. WILLIAMS, M.A.

VOLUME I NUMBER 4

JANUARY 1948

CONTENTS

	PAGE
THE ANARCHY OF POWER	<i>H. A. Smith</i> 207
THE MODERNIST MOVEMENT	<i>D. A. Binchy</i> 220
THE AMERICAN LEGAL TRADITION	<i>Henry Steele Commager</i> 233
LEVIATHAN AND THE EUROPEAN ROMANTICS	<i>H. G. Schenk</i> 240
BOOK REVIEWS	256

BOWES & BOWES . CAMBRIDGE



FOUNDATIONS IN THE DUST

by SETON LLOYD

*With a Foreword by Sir Leonard Woolley
and six drawings by Urica Lloyd*

15s. net

This is a history of Mesopotamian exploration. The first part contains biographies of the great figures of British archaeology in the area, and the second brings the story of finds and excavations down to the present day. The material has never before been collected into a single volume.

ESSAYS PRESENTED TO CHARLES WILLIAMS

by C. S. LEWIS, DOROTHY SAYERS, J. R. R. TOLKIEN,
A. O. BARFIELD, GERVASE MATHEW and W. H. LEWIS

12s. 6d. net

GERARD MANLEY HOPKINS

A CRITICAL ESSAY TOWARDS THE
UNDERSTANDING OF HIS POETRY

by W. A. M. PETERS, S.J.

Approximately 15s. net

(Ready shortly)

Dr. Peters is concerned in this volume solely with problems of language, prosody and philosophy. He concentrates on Hopkins's fundamental conceptions of 'instress' and 'inscape' and considers the influence upon him of the thought of Duns Scotus. He has produced a genuine contribution to Hopkins scholarship.

A KIERKEGAARD ANTHOLOGY

Edited by Robert Bretall

30s. net

Almost all Kierkegaard's works are now available in English, and form a long list of volumes. Both the newcomer to his thought, wondering where to begin, and the reader who knows something about him but needs to take a bird's-eye view of the whole, will welcome this comprehensive selection.

OXFORD UNIVERSITY PRESS
AMEN HOUSE LONDON E.C.4

THE ANARCHY OF POWER

H. A. SMITH

Professor of International Law in the University of London

WHAT place, if any, may rightly be claimed for law in the relations between independent states? Is it true to say that the rules of the law of nations are 'binding' upon sovereign powers in the same sense that a statute or a legal judgment is 'binding' upon the individual citizen? Assuming that the law, whatever it may be, is thus binding, is there any tribunal, or any other visible and objective standard, by which it may be interpreted and defined? Finally, is there any means whereby it may be enforced?

All these are old questions, and for many generations the standard textbooks have given formal answers which at least justify the authors in writing their books. If the very idea of a law of nations is nothing more than a fiction it is obvious that the whole of the vast literature devoted to this subject has been as much a waste of time and labour as the literature of astrology. It is equally clear that the expert lawyers attached to every Foreign Office should all be dismissed, and that statesmen are guilty of gross hypocrisy when they appeal, as they constantly do in their diplomatic exchanges, to the authority of the law.

But the ordinary man does not read the textbooks, nor is he convinced by professional apologetic. In a moment of impatience the great Lord Salisbury, himself a Foreign Secretary who must have signed many Notes invoking the authority of the law, once permitted himself to say that 'international law consists of nothing more than the prejudices of text-writers', and this much-quoted epigram undoubtedly expresses an opinion which is very widely held. If we are to convince the common man, not only of the existence, but also of the necessity of a law of nations, we must give him answers which he can understand, and to do this is not easy, since our inquiry will take us into deep waters.

Yet one more thing is needed. Not only must the answers be convincing, but they must also be true. Here we meet our chief difficulty, for perhaps the greatest evil of our unhappy age lies in the fact that there are many millions of human beings to whom truth itself is either abhorrent or forbidden. In a world in which ideas could be freely exchanged, this would merely present a problem of reasoning coupled with patience, but that is one of the freedoms which has been largely lost. The writer who sets down the truth knows that over a large area of the world what he has written will

be banned. Unfortunately there are now powerful governments to whom the dissemination of truth presents such a deadly peril that they must make every possible effort to prevent it from reaching their subjects, and in the pursuit of this policy of insulation they now have at their disposal methods which would have seemed incredible at the beginning of the century. The achievements of physical science, which were formerly hailed as the noblest proofs of intellectual liberty, have now made it possible for those in authority, not only to control the actions, but also to dictate the thoughts of those whom they rule. The dictation is not limited to questions of politics or religion, but extends to history, philosophy, scientific teaching and indeed to the whole range of human thought. Such governments enjoy a double advantage, for the principle of freedom which they deny at home permits them liberty of propaganda in those countries where the principle itself has not yet been suppressed.

This article is concerned with present conditions only in so far as they affect the authority of international law. The problem is very far from being one of purely technical or professional interest. Within any political community the breakdown of law is manifestly a matter which directly concerns every individual, and it is no less true that the present world anarchy, which is nothing else than the negation of law, is a matter of direct concern to everyone in the world.

The word 'anarchy' is here advisedly used. It does not mean, as the advocates of world government, sometimes suggest, the mere absence of any common superior authority. The British Commonwealth is not subject to any common authority, but its condition is certainly not anarchic. Both in popular speech and in precise language the meaning of the word 'anarchy' goes much deeper. Plato couples it with 'lawlessness' (*ἀνομία*) and Milton speaks of 'the waste wide anarchie of Chaos'. Rightly used, the word signifies a state of things in which no common principles of order can be discerned. Even a government may be anarchic, such as that of a tyrant who acts upon caprice instead of according to rule,¹ but law and anarchy are in direct contradiction and cannot exist together.

This anarchy in which the world is now plunged is something very new. All the relevant events have occurred within the memory of those who were grown up when war broke out in 1914. What has happened is that within this short time the spiritual unity of the civilised world has been shattered, and principles formerly accepted by all are no longer held in common. Upon the continuance and development of that unity depended the possibility of a common law, and there can be no true law again until it is restored.

¹ Xenophon uses the word *ἀναρχία* to describe the rule of the 'Thirty Tyrants' in Athens.

In order to understand what this means we must take a quick glance at history. The law of nations is one of the later products of our civilisation, and all the developments which need concern us have taken place within about four hundred years. The historians and philosophers of Greece and Rome had no conception of a society of independent states governed by a common law, and the classical Roman law contains nothing 'international' beyond a few rules regulating the reception of envoys and the formalities of declaring war.

Christianity from its very nature was bound to concern itself with the ethics of war, but for many centuries the interest of Christian writers in international relations was almost entirely limited to analysing the causes which might justify rulers in waging war. Their concentration upon this particular problem did not mean that the international society of Europe was anarchic or that there were no legal principles governing normal relations in time of peace. The rights and duties of independent princes in normal times were deemed to be governed by the rules of Roman private law, and this provided a workable system for an age in which what we now regard as national territory was considered to be the individual property of princes. The concentration of the canonists upon the problem of the 'just war' is explained by the fact that this was a point upon which the Roman codes were silent. For an age in which almost all conflicts arose out of disputes over the title to some piece of territory or contested cases of inheritance and succession the ordinary rules of the civil law were normally sufficient. This period lasted until about the beginning of the sixteenth century.

The international law of the Middle Ages, being Christian in its origin and also in its content, did not profess to be a law for the whole world. The area which it claimed to control would now seem relatively small, consisting only of those parts of Europe which had not been conquered by the Moslems, and excluding Russia. Within this small area, now divided among only a score of states, there were many hundreds of princes and others who could legally claim the rights of sovereigns. Such was the original empire of the law of nations.

It was a very quarrelsome family, but still a family, and the incessant conflicts of Europe must not blind us to its essential unity. This unity did not consist in any common authority, for the theoretical supremacy of the Pope and the Emperor did not in practice extend to the preservation of peace, and even the canonists agreed that any ruler entitled to sovereign status was free to make war without submitting his case to the Pope. The unity of western Europe was not constitutional, but spiritual, a unity of ideas rather than of organisation. Although it was allowed that every indepen-

dent ruler was entitled to be judge in his own cause, there was still an agreed standard by which the cause might be judged

It is a mistake to measure the authority of the law, either in medieval or in modern times, solely by its success in preventing war. War is an interruption of normal relations, and it is in the ordinary relations of men in time of peace that we can see most clearly the meaning of that unity which we have now lost. Much of what was most valuable in the medieval system survived until the opening years of the present century. For example, it was regarded as a fundamental right that every man should be free to travel and to trade wherever he might wish. He might wander across Europe without permit or passport until he reached the borders of Muscovy or the dominions of the Sultan. In the last few years the very idea of any such right has been destroyed. Foreign travel and foreign trade have now become privileges to be humbly solicited from government officials. The law of nations also extended its protection to what were regarded as essential human rights, including the right of private property.

For the same reason, that is to say, the principle of the natural rights of the individual man, such forces as nationalism and racialism were of much less importance. The employment of foreigners in responsible positions was much more common, and even so late as 1625 it was possible for Grotius, then an exiled Dutchman, to be appointed by the Queen of Sweden as her ambassador to the Court of France. The difference between that age and our own may perhaps be more easily understood if we try to imagine the selection of a German or a Russian refugee for the post of British Ambassador to Washington.

Within the limited area of the law of nations culture and learning were regarded as international. Students wandered freely about Europe, pursuing their studies at one university after another. Latin, later displaced by French for diplomatic intercourse, was a common language for the learned, and books intended to have more than a local circulation were often written in Latin down to the eighteenth century. Wherever the student went, and whatever books the scholar might read, he could feel that he belonged to a great company which partook of the same food at a common table. Controversy was abundant and differences might be fiercely expressed, but the differences were the conflicts of men as men. That which was taught or written was not an 'ideology' prescribed by government. The freedom of teaching might often be limited by ecclesiastical authority, but this in itself claimed to represent universal truth.

What has been said may now be summarised by saying that in its earliest period the law of nations rested upon the double foundations of the Christian faith and the Roman law, which between them

formed the basis of the culture and social order common to western Europe. If so, two questions immediately suggest themselves. First, how did it come about that such a system could succeed in winning at least nominal acceptance by the world as a whole? The answer to this question is a matter of history. Secondly, can we reasonably expect such a law to be accepted and effective in the world which we know today? This second question raises a practical problem of the greatest difficulty. Let us take each of them in turn.

In the sixteenth century the law of nations ceased to be mainly concerned with the dynastic and territorial disputes of western Europe. The series of military and colonial adventures which followed the great voyages of discovery brought the nations of the Atlantic seaboard into contact with peoples to whom the religion, law, and social system of Europe were wholly alien. Of these peoples some had attained a civilisation of their own, while others were mere barbarians. Were there any rules which could guide the European powers in their dealings with such peoples? It was true that for centuries Christendom had been in contact with the advancing power of Islam, but this was regarded as a permanent state of war and offered no precedents for the solution of the new problems.

The question was squarely faced by the Spanish canonist, Francisco de Vitoria (1483?-1540), whose lectures under the title *De Indis Noviter Inventis* gave a definite lead to all the subsequent treatment of this problem. Vitoria denied that the Spanish conquests could be justified on the ground that the Indians were heathens, and he also dismissed all arguments based on the theory that either Pope or Emperor had any temporal jurisdiction over the whole world. On the other hand he claimed for the Spaniards a 'natural' right to freedom of travel and trade in all lands, as well as the right and duty to preach the Gospel. In so far as the Indians resisted these rights, they might lawfully be attacked and overcome.

The substance of this was that the relations between Christian and non-Christian peoples should be governed by natural law. Thus there was no legal vacuum, no empty space to be filled by anarchy or the rule of the jungle. In subsequent practice this principle of natural law proved to be a convenient bridge over which all the main rules of the European system could be smoothly carried to those parts of the world which lay outside the order of European civilisation. It was so interpreted that it left room for the practice of other religions, for the continuance of polygamy, and for other indigenous legal institutions, but it did require that in their external relations non-Christian powers should observe the rules which had been developed in western Europe.

It was in this way that the law of nations gradually became a rule for the whole world. Its success was due to the fact that in substance

its rules were essentially reasonable and could be accepted in practice by those who were not prepared to accept their theological basis. Practical problems which presented themselves in certain countries were ingeniously solved by the system of 'capitulations', which provided that European residents in those countries should be exempt from the local jurisdiction and should live under their own laws administered by their consuls.

By the end of the nineteenth century this process of extending the empire of the law had been completed. The provision of the Treaty of Paris in 1856 that Turkey should be 'admettre à participer aux avantages du droit public et du concert européens' were little more than a formal recognition of what had long been the practice. China and Japan proved to be more difficult, and in each case force was needed in order to open a closed door, but it is important to notice that the use of force was itself justified by an appeal to the law. Palmerston in 1840 complained that certain acts of the Chinese were 'in violation of the law of nations', and at all times, like Vitoria three centuries before, he assumed that this law was binding upon China as a sovereign state.

The pessimism, only too well founded, which envelops us today makes it difficult for anyone under sixty to realise the atmosphere of optimism in which this century opened. This optimism was no new thing nor was it a mood of the moment. The historian Gibbon, writing the 39th chapter of *The Decline and Fall* about 1780, looked out from his window in Lausanne upon a continent in which order and security seemed to have placed beyond all danger of serious disturbance.

The abuses of tyranny are restrained by the mutual influence of fear and shame; republics have acquired order and stability; monarchies have imbibed the principles of freedom, or, at least, of moderation; and some sense of honour and justice is introduced into the most defective constitutions by the general manners of the times. In peace, the progress of knowledge and industry is accelerated by the emulation of many active rivals; in war, the European forces are exercised by temperate and indecisive contests. If a savage conqueror should issue from the deserts of Tartary, he must repeatedly vanquish the robust peasants of Russia, the numerous armies of Germany, the gallant nobles of France, and the intrepid freemen of Britain; who, perhaps, might confederate for their common defence. Should the victorious Barbarians carry slavery and desolation as far as the Atlantic Ocean, ten thousand vessels would transport beyond their pursuit the remains of civilised society; and Europe would revive and flourish in the American world, which is already filled with her colonies and institutions.

Gibbon ends his chapter with the following paragraph:

Since the first discovery of the arts, war, commerce, and religious zeal have diffused, among the savages of the Old and the New World, these inestimable gifts: they have been successively propagated; they can never be lost. We may therefore acquiesce in the pleasing conclusion that every age of the world has increased, and still increases, the real wealth, the happiness, the knowledge, and perhaps the virtue, of the human race.

If we feel tempted to smile at the optimism of past generations, we should at least remember that it was not mere sentimentality, but a reasoned judgment based upon the facts available. Even the French Revolution, which Gibbon failed to foresee, did not fundamentally change the traditional order, and after Waterloo Europe soon settled down once more to a sense of security which the early Victorians symbolised in the Great Exhibition of 1851. Nor again have we any right to ridicule the optimism of those who welcomed the foundation of the Peace Palace at the Hague in the opening years of this century. In each case the judgment was reasonable in the light of the facts, for the foundations of the common order had not yet been undermined.

But optimism is not always reasonable, and enthusiasm may sometimes be founded in delusions. There was no solid ground for the belief that the establishment of the League of Nations meant the inauguration of perpetual peace. Still less was there any justification for the enthusiasm which welcomed the 'Kellogg Pact' of 1928, and perhaps the lowest level was reached in the unscrupulous propaganda which produced in this country the 'Peace Ballot' of 1935. In these movements the optimism, which was stimulated rather than spontaneous, was only made possible by an obstinate refusal to face the material facts.

To these facts we must now turn. We have briefly surveyed the long process by which the law of nations was built up and then extended to cover the whole world. Now it is time to examine the much swifter process by which the structure was destroyed.

Although the last stages were swift, they were only the culmination of disintegrating causes which had for long been working in the course of history. For example, ever since the time of Frederick the Great the rulers of Prussia had been constantly impatient of the restraints which it is the function of law to impose upon all human power. Elsewhere other causes were at work. In Russia the centuries of autocracy, which the introduction of modern police methods had made more ruthlessly efficient, had given rise to a destructive antagonism which could no longer be satisfied with rational reform. All over the world the forces of nationalism, often reinforced by racial passions, were finding expression in a form of idolatry which

demanding that national sovereignty should not be limited by law. In Asiatic countries, particularly China and Japan, these disruptive forces were easily directed into anti-European movements, and international law was denounced as a Western system which had been imposed by force upon the free peoples of Asia.

In varying degrees all these disintegrating elements were released by the outbreak of war in 1914, and they have never since then been brought under control. The German invasion of Belgium in the first days of the war was an act wholly in the tradition of Frederick the Great, but it had a special significance. For nearly a century the guaranteed neutrality of Belgium had been recognised as an essential part of the general structure of European security, and its violation by one of the guarantor powers was not only a local incident, but a deliberate challenge to the whole system of European order.

The lawlessness which marked the outbreak of war soon extended to its conduct. During the previous three centuries practice and convention had combined to build up a system of rules which defined the limits of what was permissible in war and struck an equitable balance between the conflicting interests of belligerents and neutrals in operations at sea. Although some points of controversy still remained open in 1914, the main principles were covered by general agreement, and much of what was agreed had been formally recorded in general conventions.

Upon the conduct of operations during the first World War there is a voluminous literature, much of it controversial, which cannot even be summarised within the limits of an article. Nearly all non-German writers now agree that the first serious step along the road of illegality was taken by the German government when it launched the first submarine campaign early in 1915. However that may be, it is clear that from that point onwards the downward descent was steep. The doctrine of 'reprisals' was invoked on each side to justify acts which admittedly could not be justified except by reference to the prior illegalities of the enemy. The consequences of such an argument are cumulative, and it is obvious that its tendency, unless its scope is closely limited, is to destroy the authority of law as such. Before the war ended a position had been reached of which it is broadly true to say that each side considered itself to be bound only by such of the accepted rules as suited its own interest.

In earlier wars of more limited scope the belligerents, however much they might be tempted to break the rules, had usually been held in check by the fear of neutral intervention. The law of neutrality operated, not only to protect the interests of neutrals themselves, but also to make the neutrals guardians of the law, referees who could keep the ring and compel the combatants to observe the rules. When the United States entered the war in 1917 all the great powers

were belligerents, and in due course most of the secondary and minor powers became at least formally involved. The result was that neutral opinion ceased to count and the few states which still remained neutral could do no more than enter protests against the successive infringements of their traditional rights.

For the continuance of this part of the story a few lines must suffice. The League of Nations was set up amid the anarchy of a wildly disordered world. From its earliest days it found itself compelled to tolerate and accept acts of the most outrageous violence. Never did the principle that *quod fieri non debet factum valet* receive a more extreme application. The Polish seizure of Vilna, soon followed by the Lithuanian seizure of Memel, the Italian bombardment of Corfu, and Hitler's repeated repudiations of German treaty obligations, are a record far from complete of the illegalities which an organisation pledged to the maintenance of law was compelled to accept. A timid protest against the Japanese seizure of Manchuria resulted only in the withdrawal of Japan from the League. The subsequent withdrawals of Germany and Italy were significant chiefly as deliberate gestures of contempt.

After the Italian conquest of Ethiopia the League practically faded out, and in the last crisis of the dying peace its existence was ignored. No attempt was made to set the machinery of the League in motion for the protection of Austria or of Czechoslovakia. At the end men no longer asked whether the League would intervene, but only whether Great Britain and France would fight.

Of the second World War little need be said here. Every illegal act that had been done in the earlier war was repeated and many more were added. The only new feature was to be found in the increased powers of destruction which the discoveries of science had placed at the disposal of governments. The two awful acts of annihilation which brought formal hostilities to a close were a fitting symbol of the emancipation of power from the restraints of law.

At this point we must turn back to the year 1918. Although no man can anticipate with confidence the future judgments of history it is permissible to suggest that the deepest significance of the bolshevik revolution will in future be found, not in the changes which it introduced in Russia and elsewhere, but in its successful repudiation of the rule of law among the nations. As Grotius pointed out in the final chapter of his great work, in the last resort the authority of the law of nations depends upon the observance of good faith. This follows from the very nature of the law itself. Not being armed with any machinery of coercion its authority must depend upon the free acceptance of its principles, what the League Covenant calls 'the understandings of international law as the actual rule of conduct between governments'.

In direct conflict with all accepted principles the newly-formed bolshevik government of Russia began its career by repudiating the state debts and promulgated a series of decrees which were wholly irreconcilable with the practice of civilised states. Furthermore, the first Russian constitution contained explicit provisions for organising revolutionary propaganda in foreign countries. Some years later, in May, 1922, it formulated its policy by affirming what it described as a 'principle of right', namely that

Revolutions which are a violent rupture with the past carry with them a new juridical status in the foreign and domestic affairs of states. Governments and systems that spring from a revolution are not bound to respect the obligations of fallen governments.

In 1792 the French National Convention had thrown down a similar challenge to the European order, declaring that 'the sovereignty of peoples is not bound by the treaties of tyrants'. In that case the challenge was taken up and resulted in more than twenty years of general war. In the end the overthrow of Napoleon made it possible to reconstruct the authority of law among the nations of Europe.

In 1918 the same issue was directly raised, but on a larger scale. Once more the future, and in this case the future of the world, depended upon whether the challenge was accepted or not. For some years the issue was doubtful. Civil war raged in Russia, and the Western powers made some rather feeble attempts to help those Russians who still stood for civilised traditions. Until 1924 nearly all states refused to have any formal diplomatic relations with the bolsheviks, whose repudiation of natural justice found internal expression in a régime of atrocities and persecution. Unfortunately the regime had its sympathisers abroad, and in a disordered world the Marxist propaganda found many listeners who cared little for the traditions and the principles upon which civilised order was based.

A few days after taking office early in 1924 the new Prime Minister of Great Britain, Mr. Ramsay Macdonald, promptly extended unconditional *de jure* recognition to the Soviet government. In so doing he abandoned a fixed principle of national policy that the recognition of a government formed by revolution should be made conditional upon its acceptance of the obligations of its predecessor. Throughout the world the British decision was hailed with joy by all those who either failed to understand the basic principles of world order or detested the Christian principles upon which they were founded. In due course the lead given by Great Britain was followed by the majority of other governments.

In form the Soviet repudiation was limited to the obligations con-

tracted under the former regime, but these obligations included the principle of *pacta sunt servanda*, and in practice it soon became apparent that no greater sanctity was attached to treaties concluded by the Soviet government itself. For example, the independence of the three Baltic republics was assured by treaties signed by each of them with the Soviet Union, but these treaties did not restrain Russia from invading and annexing the Baltic states when the outbreak of war created a convenient opportunity.

This case calls for special notice, since the unopposed annexation of the republics was only made possible by the consent and connivance of Germany. It is important to understand that in substance the attitude of nazi Germany towards the authority of international law was the same as that of Soviet Russia, though it was not derived from Russia and had nothing to do with the Marxist teaching. The nazis did not follow the bolsheviks in proclaiming any general repudiation of international obligation, but the practice of both governments was substantially the same. Neither of them accepted any obligation which conflicted with its interests. In each case the basic reason was the same, and some consideration of this reason may perhaps suggest an answer to the questions with which this article began.

It is of the essence of the law of nations that it is, as it has always been, a law for a number of free and independent states which have no common political superior. If the whole world were united under one government there could be no such thing as international law, and its place would be taken by a code of constitutional law defining the legal relations of local governments to each other and to the common sovereign. The law of nations does not speak with the voice of any visible superior, and its authority is inherent in itself. It addresses itself equally to all states, great and small alike, and this is what is meant by the principle of the 'equality of states'. Equality does not mean that the rights and duties of all states are identical, since they must vary for many reasons. What it does mean is that all rights and duties are to be judged by reference to a common standard, that power enjoys no extra rights merely because it is strong, and that the weak do not forfeit their rights merely by reason of their weakness.

The rulers of Russia and of Germany, differing as they did on many things, were agreed in their rejection of this fundamental principle. Each acted upon the theory that the great communities which they controlled were above all law and were entitled to enlarge the area of their power by any means which might be available. They were agreed in thinking that no rights of any kind, legal or moral, could entitle lesser communities to stand in the way of Russian or German expansion. This denial of all rights of others

under international law necessarily involved the denial of the Christian principles upon which that law was founded. In each case it was found necessary to adopt a national form of idolatry, using that word in its proper sense to signify the replacement of Almighty God by some object or principle of human invention. The Soviet government denied the existence of God and proclaimed the dogma of materialism. The nazis treated God as a naturalised German and proclaimed a theology based upon race. The ultimate political objective of each was the control of the whole world, and for this reason the two systems were bound to conflict. For reasons of temporary expediency they were ready to make provisional local arrangements, such as the partition of Poland in 1939, but in long-term policy neither was willing to share with the other the domination of the world.

If the war which ensued had been a straight fight between Germany and Russia, it is practically certain that Germany would have won. As things happened, Germany was beaten, but it is only too evident that the military victory of the Allies has not sufficed to restore the authority of the law. Since then the reign of lawlessness has continued and even grows worse. Even more disturbing is the fact that statesmen have now ceased to appeal to the law. This is a very recent development. Down to about 1940 the parties to international disputes did at least think it necessary to argue that the law was on their side. The legal arguments which Hitler put forward to justify his occupation of the Rhineland were far from convincing, and he may not have believed them himself, but they did at any rate imply a formal recognition of the deference due to the authority of law. Today the law is not only broken, but also ignored. When things have come to such a pass the situation can only be described as a state of anarchy.

This story of the steps by which the law of nations has been slowly built up and quickly destroyed has necessarily been told only in the barest outline, but perhaps enough has been said to suggest how the questions posed in the first paragraph of this article may be answered. Clearly the answers to be given must largely depend upon the reader's own attitude to certain fundamental problems. That the law of nations is something very different from the ordinary civil law administered by courts of justice is self-evident. If we ask whether there is any place, and, if so, what place for law among the nations, the answer depends upon whether we think the world in which we now live better or worse, than the world as Gibbon saw it or even the world of fifty years ago. If we ask whether the law is or is not 'binding', the answer depends upon the meaning which we attach to that word. Do we or do we not regard the keeping of faith between independent states as an absolute obligation? That the law is not

equipped with regular tribunals for its interpretation is a defect which must be admitted, but it is a defect which can always be remedied by invoking arbitration, provided that there is an honest desire for the just settlement of disputes, and this again is a matter of good faith. Fourthly, the problem of enforcement depends upon the extent to which those who have right on their side are prepared to take great risks for its defence.

Finally, the answers to all these questions depend upon the answer to one more. Do we believe that power is a law unto itself and that there are no rights of a higher order than the will of a sovereign state, or do we believe that all human power, even the mightiest, is unchangeably subject to a higher law? The law of nations was an attempt to answer this question in Christian terms. The future of the world depends upon the extent to which the world can be persuaded to accept and act upon this answer.

THE MODERNIST MOVEMENT

D. A. BINCHY

Senior Research Fellow, Corpus Christi College, Oxford

In the years immediately before the war I spent several months in Italy collecting materials and impressions for a book on the relations between Church and State under fascism. In my conversations with clerical supporters and opponents of the regime the word 'Modernism' kept constantly recurring. The first time I heard it, a bell rang faintly down the corridors of memory, recalling my school days in a well-known Irish Jesuit college during the first World War. In classroom and pulpit we used to hear vague and somewhat rhetorical denunciations of this evil thing, though what precisely it was I never succeeded in discovering. Perhaps, if the truth were known, not all of my worthy teachers were filled with that holy zeal against Modernism which was then the order of the day. Some of them even may have known and loved that stormy petrel of the movement, George Tyrrell, who for many years had been one of the lights of the English province of their Society. But this was all the more reason for conforming to the official attitude, for the Jesuits had found Tyrrell very difficult to live down, and for some time past they had been unceasingly denounced by the all-powerful Mgr. Benigni and his 'Integralist' camarilla as the chief promoters of the new heresy. True, a change of Popes had recently brought relief; Benigni had been expelled from the Vatican, and the regime of terror which had characterised the last years of Pius X's pontificate was being quietly liquidated by his successor. But echoes of the storm lingered still.

My only contact with Modernism in the flesh arose also from my work in Rome, where on one occasion I met Ernesto Buonaiuti, the most prominent Italian representative of the movement. At the time I was primarily interested in his courageous refusal to take the fascist oath, which had led to his dismissal from the University of Rome, where he had been professor of the history of religion. It was, I imagine, characteristic of the man that during our brief talk about the relations between Church and State he made no allusion whatever to the treatment he had received at the hands of both powers. I brought away from our meeting an impression of integrity and idealism, and of what I can only call a deeply religious attitude towards life. But I asked no questions about Modernism, for at the time I had little thought of writing about it, almost as little as when, a dozen years previously, I used to watch a still more famous

figure, Alfred Loisy, walk along the corridors of the Collège de France.

It was not until my book on Italy had been completed that I began to read the literature and contemporary chronicles of Modernism. In the interval the last survivors of the movement had been dropping out. The death of Loisy on June 1st, 1940, passed almost unnoticed amid the tramp of the German invaders, the grandsons of those strange men whom as a schoolboy he had seen marching through his native village in 1870. Maude Petre, the friend and biographer of Tyrrell, who rather than abjure her Modernist principles was content to live *en marge de l'église* for more than thirty years, died in 1942. And Buonaiuti did not long survive the liberation of his country: his death was reported in the spring of 1946. One by one these orphans of the storm have 'crept silently to rest' amid the complete indifference of a public to whom their names and the cause for which they stood are equally unfamiliar. Has Modernism, then, after its period of *Sturm und Drang*, vanished without leaving a ripple on the surface of our religious life?

As I read on, the conviction gained on me that an impartial history of the movement had yet to be written. The polemics which appeared on one side or the other while the battle was still raging may be completely discounted. But even in books that were written in later and less agitated times we find the embers of old passion still smouldering. Doubtless it would be too much to expect of those who had been wounded in the fray that their emotion should have been recollected in tranquillity. On the Modernist side Miss Petre's works, though not altogether free from bitterness, approach nearest to objectivity. Buonaiuti's interpretation of Modernist thought and action is far too personal to be representative in any real sense. And the three massive volumes of Loisy's *Mémoires*, though invaluable for the history of the movement, suffer from the besetting sin of so many autobiographies: a tendency to interpret the writer's aims and actions during the period when he was travelling hopefully in terms of the goal at which he ultimately arrived. Paradoxically enough, this posthumous rationalisation of his spiritual Odyssey is no less unfair to himself than to those friends who, like Archbishop Mignot, stood by him so loyally during his Modernist days.

In the orthodox camp a discreet silence, dictated not merely by prudence but by an understandable reluctance to defend certain features of the anti-Modernist crusade, has been generally observed in recent years. It has been broken once or twice, most conspicuously by Jean Rivi re, whose work *Le Modernisme dans l'Eglise* (1929) has become a kind of text-book for subsequent Catholic writers. For example, in Miss Maisie Ward's otherwise excellent biography of her parents the account of the movement with which her father

(greatly to the disgust of her mother) carried on a spasmodic and uneasy flirtation is largely based on Rivière. Yet this work, though admirable in its documentation and in its freedom from personal bitterness, is tendentious to the point of dishonesty. The author has a thesis to establish: he writes to prove that his former superior Mgr. Battifol and the other members of the 'Toulouse School' not merely displayed an impeccable orthodoxy, but, in the *via media* they preached between the 'extremism' of Loisy and the 'obscurantism' of his more fanatical opponents, represented the true spirit of Pius X and the Encyclical *Pascendi*. That this thesis should be obstinately maintained in face of the dismissal of Battifol immediately after the Encyclical and the censures incurred by his friends (all of which incidents the author dismisses in a few lines as the result of a personal vendetta) speaks well for Rivière's loyalty to his hero but not for his reliability as a historian. Much more objective is the account of Modernism under Pius X given by Mgr. Josef Schmidlin, a disciple of Pastor, in the third volume of his *Papstgeschichte der neuesten Zeit*. Schmidlin, who was able to watch the details of the anti-Modernist campaign from the German College in Rome, does not shrink from exposing its seamy side and deals quite frankly with aspects of it which Rivière either glosses over or deliberately ignores. It must have required no little courage for an ecclesiastic to write so freely on such a dangerous topic.

The word Modernism first came into general circulation after its use in the papal Encyclical. From the beginning, therefore, it was associated with a certain movement of ideas within the Roman Catholic Church, and there is everything to be said for Dean Inge's suggestion that it should be strictly confined to its original meaning. To use it as a synonym for Liberal Protestantism is, as he points out, quite misleading. It is true that both movements sprang from the same source: the impact of nineteenth-century historical scholarship (notably in biblical exegesis and comparative religion) on the traditional Christian apologetic. Both also agreed in claiming complete freedom for the scientific investigation of the historical data of religion, and there was not much difference in their respective assessments of these data. But in the conclusions they drew from them they were at opposite poles. The Liberal Protestant found the essence of Christianity in the kernel of historical truth which, after it had been carefully segregated by the Higher Criticism from the husk of later accretions, was preserved in the New Testament concerning the life and teaching of Jesus Christ. Everything else — Church, Sacraments, creeds, ministry and theology — represented the accidental and the transient.

The Catholic Modernists, even of the most radical school, gave a very different answer. The essence of Christianity, they said, was

not to be sought in the New Testament, with its relatively incomplete and time-conditioned picture of Christ, but in the living Church which, founded on the faith of His apostles, had inherited His mission and expanded His message. All those 'accretions' which the Liberal Protestant rejected as a 'deformation' of primitive Christianity represented, according to the Modernist, the natural and healthy growth of an organism which, following the laws of life, had adapted itself progressively to its environment and its vital needs, while remaining essentially the same as the embryo from which it had developed. Hence modern Catholicism, with the elaborate system of hierarchy, dogma and liturgy, which had accrued to it during more than eighteen centuries of vigorous life, was the logical and necessary outcome of nascent Christianity, even as the fully grown man remains the same person as the infant in the cradle. The effect of this new apologetic, so brilliantly presented by Loisy in *L'Evangile et l'Eglise* (1902), was to make the Church rather than the Gospel the centre of Christianity; indeed it aimed at nothing less than the apotheosis of institutional Catholicism. This may make it easier to understand Dean Inge's abhorrence of the Modernist position.

But the official representatives of the Church which the new apologetic professed to serve were no less hostile. True, by shifting the centre of gravity from the Gospel to the Church it would have made the latter (in contrast to the Protestant Confessions) quite impervious to the ravages of biblical criticism, and would even have permitted her exegetes, such as Loisy himself, to outbid the most radical German critics without undermining the bases of faith. But it had other and more far-reaching implications. By a subtle application of the parable of the mustard seed and of Newman's theory of development (pushed to limits which would doubtless have shocked its author), Loisy had reduced the part played by the Founder of Christianity to very modest proportions. Christ was the Galilean prophet who, filled with the Spirit of God, had planted the seed; the Church, guided by the same divine spirit, was the tree of life which had resulted. Was the divinity of Christ, then, a symbol of faith rather than a fact of history? Further, Loisy's insistence on the relative nature of dogmatic theology as an attempt to rationalise the content of faith in terms of human philosophy implied that dogma itself was a dynamic and mutable approximation rather than a static formula, and thus left the way open for possible revolutionary changes in the Church of the future. The official guardians of tradition were bound to react against this embarrassing defender who apparently proposed to save the Church by cutting her loose from her traditional moorings. Did not Loisy himself admit in later and more disillusioned days, when he had long deserted Modernism for 'the religion of humanity', that the famous *petit*

livre, whose appearance almost half a century ago made such a sensation, was 'very Catholic — but not so very Christian'?

Other Modernists who were far from sharing Loisy's radical views joined with him in exalting institutional Catholicism. The mere fact that nearly all of them were priests made it inevitable that the Church should be the starting-point and the only conceivable basis of operations in their campaign to widen the intellectual horizon of Christianity. Whatever reforms they proposed — and some of them were very far-reaching — were designed to take effect within the existing framework of the Church; and the future of religion presented itself to them only in terms of a revitalised and modernised Catholicism. To identify their movement with that of Liberal Protestantism as represented, say, by the Bishop of Birmingham would be unfair to both parties.

But there is a converse error for which recent Catholic writers are mainly responsible: that of limiting the term Modernist to those leaders of the movement who, when the supreme crisis came, refused to submit and left the Church. The reason for this limitation is obvious. Modernism, according to the official view, was completely annihilated by Pius X's energetic measures — was there not actually a medal struck to represent him as the slayer of the dragon? Modernism, so runs the argument, was merely atheism plotting against the Church from within the gates; its promoters, having been exposed, went over openly to atheism, incidentally justifying thereby the wisdom of the papal policy; on the other hand, those who submitted must surely have seen the error of their ways and purged themselves of all trace of their former views; hence they should not be called Modernists. Such comforting simplifications have ever been dear to ecclesiastical authority. The reality was, of course, quite different. Only a very limited number of the more radical spirits broke with the Church; the overwhelming majority of those who sympathised with the movement bowed to the storm in the firm conviction that no amount of disagreement with the official policy should be allowed to jeopardise their membership of the Church and their priesthood, and in the equally firm hope that their ideas would ultimately find acceptance in the Church of the future. In one sense men like Archbishop Mignot or Padre Semeria were more consistently Modernist than those who despaired and abandoned the fight. Mgr. Mignot, the only man for whom Loisy seems to have felt a deep and unchanging affection, did not, of course, share his friend's more radical views. But when he read *L'Evangile et l'Eglise* in manuscript, he was enthusiastic in its praise, and the few addresses by him that have hitherto been published show a bold, independent approach to religious and exegetical problems which must have greatly shocked the theologians of Pius X.

This applies even more forcibly to Loisy's other friend, Baron von Hügel. Here was the real leader of Modernism in so far as such a heterogenous movement brooked a leader; the arch-Modernist, combining deep spirituality and personal piety with a rigidly scientific attitude towards exegesis and apologetics. But here too was a man of infinite patience, content to wait, even to accept rebuffs and disappointments, convinced that in the end his ideas would triumph. All through his life he was something of an embarrassment to the leaders of his own Church, rather like Erasmus in his later years. After the crisis there were even some *zelanti* who would gladly have seen him follow Loisy into the wilderness, and would have echoed (though for very different reasons) W. B. Yeats's 'Get you gone, von Hügel'. Now that he is safely dead, however, attempts have been made to clear him of all taint of Modernism, and his *Selected Letters* have been indeed carefully selected with the object of portraying him in as orthodox a position as possible. It is quite true that in his last years he reacted strongly against the extremism of a few old associates. But that was because they had abandoned Modernism for agnosticism, thereby helping to wreck the movement of which he had such high hopes; it was not because he had ceased to be a Modernist. Shortly before his death in a letter to *The Times* — a letter which was not 'selected' by his biographer — he stoutly reaffirmed his belief in the cause to which he had given the best years of his life. To deny that von Hügel was a Modernist would be rather like refusing to include Pusey among the leaders of the Oxford Movement because he did not follow Newman over to Rome.

Modernism was described in the papal Encyclical as 'a compendium of all heresies'. It was subsequently extended to cover almost every activity of the human spirit. As Schmidlin observes, during the closing years of his pontificate 'modern' and 'Modernist' became virtually synonymous in the pronouncements of Pius X. Benigni and his associates delighted in bringing fresh variants of this insidious heresy to the Holy Father's notice: 'political' Modernism, 'social' Modernism, 'literary' Modernism, 'artistic' Modernism, even 'musical' Modernism, all were duly exposed and denounced. Nor is there any doubt that Pius X in his condemnation of the *Sillon*, the French left-wing Catholic movement (from which, incidentally, today's M.R.P. derives), believed himself to be striking a further blow at Modernism, this time in the political and social field. So too in Italy, Romolo Murri, whom von Hügel called 'a reactionary scholastic', was unfrocked and excommunicated, not because he rejected the Encyclical *Pascendi* — on the contrary, he hastened to accept it — but because his newly-founded Catholic Party, in repudiating control by the ecclesiastical authorities, had shown themselves to be 'political Modernists'.

Undoubtedly there was a certain connection between all these movements. Each of them was a symptom of the general *malaise*, of the desire to slough off the old skin, of the dream of a rejuvenated Catholicism which would once more take its place in the vanguard of human progress. They all reflected the mood of hope (which Miss Petre regards as the most characteristic feature of those early days), to some extent also the facile optimism of a prosperous and peaceful age. But the real crisis was precipitated by the attempts to restate in modern idiom the message of Christianity and the doctrines of the Church, to apply to the most hallowed symbols of faith the critical methods of scholarly analysis, and to adjust the traditional formulas of theology to modern science and philosophy. Here biblical studies took pride of place, not merely on account of their key position, but also because Loisy, the leader of the 'advanced' group, was first and foremost an exegete. Yet it would be a serious error to represent Modernism as just the history of an unsuccessful struggle to have the results of biblical criticism admitted by the ecclesiastical authorities. The papal theologians who drafted the Encyclical *Pascendi* saw much more clearly than that. True, they condemned the new school of exegesis root and branch, but they devoted even more space to the 'immanentist' philosophy of Blondel and Le Roy, the 'moral dogmatism' of Père Laberthonnière, the simplified theology of Tyrrell and Schell, and the historical studies of Battifol and Duchesne. 'Theology, exegesis, the history of dogma, apologetic, philosophy' — these, according to Schmidlin, were the rocks on which the ship of Modernism foundered.

It is a formidable list, well calculated to discourage a would-be historian of the movement. I had better confess at once that I have no qualifications in any of these subjects, and it would take me several lifetimes to acquire a knowledge of all of them such as would entitle me to discuss the issues involved with any degree of confidence. But I am consoled by the thought that my ignorance is equally distributed. Were I less unlearned in one discipline than in the others, I should be more likely to give a lopsided picture of the whole. As things are, *mon verre est petit, mais je bois dans mon verre*: I should be content with a very unambitious contribution which would require no qualifications other than impartiality and a certain modicum of courage. Now that passions have cooled and the principal actors in the drama have been gathered to their fathers, it should surely be possible to tell the story of Modernism 'with charity for all, with malice towards none'.

And what a story it is! Those who dismiss it as a mere *querelle de sacristie* overlook not merely the tremendous issues involved but also the intense human interest of the struggle. Even if they do not share my belief that religious sentiment (no matter how strangely disguised)

is the mainspring of life, they should at least recognise the tragic quality of this contest between priests of the same Church, both parties alike convinced that they were fighting for the future of their religion. It was almost entirely a clerical war, though a few laymen joined in as *franc-tireurs* on one side or the other. Such a rigidly professional war had its own code of rules, some of which seem strange to the outsider. The bitterness with which it was waged on both sides may occasionally tempt him to murmur *tantaene in animis caelestibus irae*, but he would do well to remember that clerics too are human and find the virtue of humility no easier to practise than do other mortals. In reality neither side had a monopoly of learning or piety, and the charges of ignorance brought by the Modernists against their opponents were sometimes as exaggerated as those of arrogance and infidelity levelled against the 'rebels' in what the Abbé Huvelin, von Hügel's confessor, called *la petite presse religieuse*.

A conflict of this kind was nothing new in the history of the Church. There has always been, and always will be, a latent tension between the claims of *fides* and *ratio*, and at various turning-points in the life of Christianity this tension has developed into open war between the traditionalists and the innovators. One has only to recall the furious opposition which greeted the Aristotelianism of Thomas Aquinas; the Doctors of the University of Oxford were but one of the many groups who repudiated his 'heterodox' teaching. Yet it would be unfair to push the parallel with earlier crises too far. In these the disputes centred on questions of method or on the interpretation of particular dogmas. Now, however, a revolutionary apologetic was advanced which raised such fundamental questions as the source of religious experience, the nature of Revelation, the inspiration of the Scriptures and the meaning of dogma. Small wonder, then, that Pius X should have reacted so violently against what seemed to him to be a complete surrender of the citadel of faith, and should have remained deaf to the appeals of those who begged him not to condemn the new ideas too quickly and too completely. Hitherto, as Wilfred Ward remarked, the attitude of the official Church towards the innovators' within her ranks had been one of 'resistance and assimilation': resistance to their dangerous novelties, as behoved the guardian of tradition, followed by unobtrusive assimilation of what proved true and valuable in their teaching. Tyrrell anticipated a similar fate for the Modernists: 'our names will be blackened and our opinions quietly adopted'. But he reckoned without Pius X. For the whole purpose of the Encyclical *Pascendi* was to fix an unbridgeable gulf between traditional Catholicism and Modernism.

Would another Pope have met the crisis differently? Speculation

is not necessarily less interesting because it is unprofitable, and one wonders how Cardinal Rampolla would have dealt with the Modernist problem had he, in accordance with the general expectation, received the tiara in 1903. For years the trusted collaborator of Leo XIII, he would doubtless have maintained the policy and methods of that remarkable man. Leo has often been called 'liberal' in matters of theology as compared with his successor. It would probably be more accurate to say that he was less interested in such matters than in the political and economic problems of his age. He may have had scant sympathy with the handful of scholars who persisted in raising questions about the Mosaic authorship of the Pentateuch or the origins of the doctrine of the Trinity — questions which could only lead to controversy and had no relevance to the momentous problems with which he was wrestling, such as the attitude of the Church to the modern State or to the claims of organised labour. Even the Roman question seems to have loomed larger in his eyes than the biblical question; at least so von Hügel thought. On the other hand his temperament and training made him shrink from repressive measures against the representatives of the new learning. While he was on the throne, no matter what difficulties they might have with their diocesan superiors, they could at least be sure that Rome would not formally condemn them. Thus it was vain for the Archbishop of Paris to demand that his censure of Loisy's works should be reinforced by a decree from the Holy Office. Leo, though he doubtless regarded Loisy with a suspicious eye, refused to move. Instead, with the purpose of securing that problems of exegesis should henceforth be referred to experts rather than to diocesan theologians he established the Biblical Commission, an instrument which was used by his successor for a vastly different purpose.

It is curious that this temporising policy, this refusal either to encourage or to condemn, should have exasperated the Modernists no less than their adversaries. Tyrrell and von Hügel murmured against the 'political' Pope, who applied 'diplomatic' treatment to fundamental issues, and looked to the Conclave to give them a 'religious' Pope. Their wish was granted with a vengeance.

Pius X was not merely a religious but a saintly Pope. The story of his handling of the Modernist problem, however, serves to underline Cardinal Mathieu's dictum that saints seldom make wise Popes. Within a few months of his accession Leo XIII's policy of forbearance had been brusquely abandoned; Loisy's words were placed on the Index and the Biblical Commission subjected to a drastic *remaniement*. The decree *Lamentabili* of July 4th, 1907 was accompanied by a Syllabus of seventy-five condemned propositions, many of them taken from the works of Loisy and Tyrrell, but some from

the 'immanentist' philosophers and one from an address to his clergy by Archbishop Mignot. Within two months it was followed by the great Encyclical *Pascendi* 'against the errors of the Modernists'. This remarkable document, which runs to over a hundred pages of print, is clearly divisible into two parts, theoretical and practical. The first part, though marred here and there by a curious intemperance of language, is an extremely able presentation of Modernism from the standpoint of a scholastic theologian, who, like a true Schoolman, has transformed a vague and amorphous mass of ideas into a precise and orderly system. Loisy was perfectly right in claiming that the Modernist of the Encyclical was a lay figure; Rivière, less honestly, uses this fact as a proof that the 'Moderates', such as Battifol and Lagrange, were not envisaged by the Encyclical at all. In sober fact the papal theologians made no such distinction between moderates and extremists.

The second part of the Encyclical dealt with the measures to be taken by all bishops against those clerics who, driven by 'curiosity and vanity' as well as by 'ignorance of true philosophy', had fallen into such grave error. An elaborate system of control, delation and punishment was laid down for every diocese, with vigilance committees and regular reports to Rome. Not content with these safeguards, or perhaps disappointed by the reluctance of a great many bishops to enforce them, Pius X subsequently prescribed a stringent 'anti-Modernist' oath to be taken annually by all clerics engaged in educational or pastoral work. These and similar disciplinary measures (including a ban on the reading of newspapers by seminarists) were received by the Episcopate without protest but, as Mgr. Schmidlin broadly hints, with very mixed feelings. Indeed, the complaints which constantly recur in the Pope's later allocutions suggest that he was displeased by the tepid reception of the crusade he had proclaimed. But nothing shocked him so much as the demand of the German bishops that professors in the theological Faculties of the Universities should be explicitly dispensed from taking the anti-Modernist oath. In the end he had to give way, but while releasing them from the formal obligation to take it, he expressed the earnest hope that their zeal would impel them to subscribe to it of their own free will. To his dismay, none of them proved to have the requisite amount of zeal.

After the Encyclical came a spate of excommunications and secessions. Some of the most prominent figures in the movement, headed by Loisy, not merely left the Church but proclaimed their disbelief in Christianity. In the face of such defections, each of which was hailed with satisfaction in *la bonne presse* as justifying the papal policy, the majority of those who had sympathised with the movement but never contemplated a break with the Church had no

option but to submit. Tyrrell, it is true, had announced that his impending excommunication by the Vatican would not prevent him from still claiming to be a Catholic, but death came before his resolution could be tested, and it is doubtful if he would have persevered in it. Only the indomitable Miss Petre remained to carry out this policy unperturbedly for over thirty years: throughout the remainder of her life she was a professing Modernist who went to daily Mass.

The second half of Pius X's reign saw the anti-Modernist crusade pushed to such extreme lengths that even men like Wilfred Ward, who had never been over-sympathetic to the movement, were on the verge of despair. Every clerical scholar whose work touched on one or other of the 'dangerous' disciplines was under suspicion and lived in constant fear of being reported to Rome. Not even the most fulsome protestations of loyalty could save Rivière's hero, Mgr. Battifol: on orders from the Vatican he was dismissed from the Rectorship of the Catholic University of Toulouse, and in due course his book on the Eucharist was banned. Père Lagrange, a much greater scholar, also felt the weight of papal displeasure: his publications were officially censured and for a time he had to abandon his post as Director of the Biblical School in Jerusalem. Shortly afterwards the first volume of Duchesne's great work *Histoire ancienne de l'Eglise* was placed on the Index. Obscurantism was the order of the day.

The heresy-hunters had their headquarters in the Vatican itself. From there the notorious *Sodalitium Pianum* or 'Sapinière', a semi-secret society with about a thousand members scattered throughout Europe, organised a campaign of espionage and delation unparalleled in the history of the Church. Its leader was Mgr. Umberto Benigni, who in physical appearance as well as in character and career might have stepped straight out of the pages of the most scurrilous anti-clerical journal. Reputed to be part author of the Encyclical (surely of its more abusive passages?), he was subsequently employed in the Secretariate of State and founded the 'sodality' named after the Pope with the latter's express approval. The acknowledged leader of 'Integralism', as the new orthodoxy came to be called, he was for some years a power in the Church, flattered, feared and hated, conducting an immense correspondence in quasi-cipher with his satellites in various countries, compiling lists of suspects among bishops, priests and religious orders, thundering against the Modernism or 'semi-Modernism' of the Jesuits and Dominicans in his *Corrispondenza Romana*, and accusing bishops who had protested against his conspiratorial methods of a new heresy — 'Episcopism'. Eventually this tragi-comedy became embarrassing for the Secretary of State, who intervened to mitigate the

zeal of the Integralists. On the other hand, if Benigni is to be believed, he and his fellow-sodalists enjoyed the Pope's full confidence to the end.

The outbreak of the first World War, followed almost immediately by the death of Pius X, called a sharp halt to the Integralist campaign. In a strongly-worded protest addressed to the new Secretary of State, Archbishop Mignot denounced the reign of terror which had obtained in France during the past five years. The new Pope, Benedict XV, who had been trained in the school of Leo XIII and Rampolla, quietly readjusted the balance. Benigni was expelled from the Vatican, and some years afterwards his 'sodality' was formally suppressed. But he himself was not destined to be unemployed for long: the fascist Government, appreciating his unique qualifications, placed him on its payroll as an unofficial 'observer' of Vatican affairs, and by all accounts he gave good value for the money. Meanwhile Benedict XV set himself to allay the discontent and heal the wounds caused by his predecessor's extreme policy. The activities of the Index showed a steep decline, a number of the victims of Benigni's spy system were unobtrusively reinstated, and clerical scholars found themselves able to breathe more freely.

Yet even today one cannot say that equilibrium has been reached. Miss Petre claims that one result of the movement has been that Catholics are now left free to discuss many subjects which were formerly taboo. It may be that questions like the relations between Church and State, inter-confessional collaboration and the limits of ecclesiastical authority are treated by clerical writers (such as Don Sturzo) with a freedom which would have been impossible fifty years ago. But is this really due to the Modernist movement? Is it not rather a concession, a hesitant concession, to the spirit of the age? On the other hand, in those matters with which the Modernists were primarily concerned the reins have been drawn tighter than ever. For example, the *responsa* of the Biblical Commission have surely added to the tribulations of the clerical exegete: he is forbidden to teach *inter alia* that the Pentateuch was not in substance written by Moses, that the Fourth Gospel or any part thereof is not the work of the Apostle John, that the Epistle to the Hebrews was not written by St. Paul. And the anti-Modernist oath, with its full-blooded endorsement of all the propositions of the Syllabus and the Encyclical, is still (formally at least) compulsory for every teacher employed in a seminary or academic institution.

I should say that the chief result of the Modernist movement, or rather of the anti-Modernist scare that succeeded it, has been a flight from scholarship in all the 'dangerous' subjects. How many brilliant clerics, who might otherwise have won fame in biblical studies or philosophy or comparative religion have been held back,

or deflected to 'safer' disciplines, by the fear of getting into trouble! In consequence Catholic scholarship has been seriously impoverished. But we do well to remember that the average man, Catholic or Protestant, cleric or layman, is not interested in the intellectual content of religion. And the appeal which the Church makes to many troubled minds in these troubled times is in no way bound up with exegesis, or the meaning of dogma, or Christian origins, or even the development of doctrine. One cannot help noting that the path to Rome, as trodden by the most distinguished converts of our day, tends to by-pass all the obstacles which Loisy and his friends set themselves to remove. As for scholastic philosophy, which von Hügel had described as 'outworn' and Wilfred Ward as 'the armour of Saul', it is at present enjoying a fresh and vigorous lease of life. Is not Dr. Inge himself included among its admirers?

What is the moral? That Pius X and his advisers were right after all in the policy of 'resistance' *without* 'assimilation'? Or that the problems raised by Modernism have merely been shelved and will come up again for discussion, though with a somewhat different emphasis, in calmer days? It may be significant that the French Jesuit review *Etudes*, which took a prominent (and on the whole not undignified) part in the anti-Loisy campaign of forty years ago, should recently have written that 'the danger of Modernism will continue as long as the questions asked by the Modernists remain unanswered'.

THE AMERICAN LEGAL TRADITION

HENRY STEELE COMMAGER

Professor of History, Columbia University

AMERICANS inherited their law as they inherited their language and their political institutions. But where, with most institutions, inheritance was speedily modified by environment to produce something characteristically American, law successfully resisted environmental modification. Where in language or religion, for example, or the social structure, Americanisation meant acceleration of the evolutionary process, liberalisation and democratisation, in law it meant rather arrested evolution and even reaction. Resourceful and ingenious in politics, Americans were content in law to accommodate themselves to traditional institutions and abide by familiar formulas. 'It is revolting', Oliver Wendell Holmes was to write in 1897, 'to have no better reason for a rule of law than that so it was laid down in the time of Henry IV', but for a century American judges, most of them trained on black-letter law, had found it not revolting but eminently proper. It came in time to seem something of an anomaly that American judges had abandoned so early the powdered wig of the eighteenth century.

In the realm of private law it was the Common Law that Americans took over, and in the realm of public law it was Natural Law. By the time of American independence the Common Law, itself the product of a long evolutionary process, had hardened into rigid, intricate, and artificial forms, and the growth of equity, designed to remedy the palpable inadequacies of the Common Law, was slow. It was no wonder that Federalists like Kent and Story and their successors should have found the Common Law congenial or that Jefferson should have thought it so pernicious that he fought, successfully, to deny Common Law jurisdiction to the Federal Courts and unsuccessfully to exclude Blackstone from his University of Virginia, nor was it remarkable that frontier communities should have regarded it with hostility and departed from it so frequently. 'Ignorance is the best of law reformers', Justice Holmes has said, and where the force of tradition was weak, professional standards low, and judges and lawyers ignorant, law was often confused with justice or common sense. The advance of civilisation into successive frontiers, the weight of tradition, and the improvement of professional standards put an end to this scandal, and legal erudition, guided by such scholars as Dane and Kent and Story, prided itself on preserving intact the anachronisms and mysteries of the Common Law.

The doctrines of Natural Law which were transferred to America were those dominant in England and on the Continent throughout the seventeenth and eighteenth centuries and given authoritative form by the great Blackstone. By the close of the eighteenth century, however, they were already suspect, and their sovereignty was shortly to be challenged and overthrown by the school of historical jurisprudence. But transplanted to America they took root and flourished; institutionalised in State and Federal Constitutions they took on not only sanctity but permanence. Of all the social sciences law retained longest its Newtonian character, resisted most successfully the impact of evolution and economic realism. The intellectual lag persisted into the twentieth century: as late as the mid-nineteen-thirties Justice McReynolds could assert that the exercise of sovereign power over money and currency was a violation of Natural Law, and Justice Roberts could subscribe, in the *Butler* case, to the purely mechanical theory of judicial review, alleging that when a court nullifies an act of Congress all it does is 'to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former'.

The strength and persistence of Natural Law concepts is one of the most arresting phenomena in American intellectual history, but it is not inexplicable. Americans inherited those concepts in the eighteenth century, found them wonderfully useful in the struggle against Parliamentary pretensions, and wrote them into their own constitutional fabric as a matter of course. The neat formulas of a ready-made system of law, symmetrical in appearance and mechanical in operation, fitted well enough the simple needs of an eighteenth-century society and furnished a convenient solution to what seemed the most pressing of all constitutional problems — the establishment of effective limitations on government. Their precepts erected into constitutional dogma and their authoritative interpretation entrusted to the least democratic branch of the government, they resisted all but judicial modification and frustrated all but extra-constitutional evolution. Their constitutional form gave them sanctity and invested them with a certain immunity from criticism, and the judicial gloss with which judges annotated them shared something of that sanctity: in time criticism of the Natural Law doctrines which judges read into the Constitution came to be looked upon as an assault upon the Constitution itself. No system of law was better fitted to restrict government to negative functions, to put property rights on a par with human rights, or to invest existing economic practices with legal sanction, and from the beginning the dominant forces of American economy gravitated to the support of Natural Law: slavery, corporations and industrial capitalism. It was no accident that corporations should early take refuge in a Natural Law interpretation of the con-

tract clause, that slavery should find protection in the Natural Law limitations of the due process clause, and that after the Civil War capitalism — speaking through corporation lawyers — should persuade the Court to read into the Fourteenth Amendment Natural Law restrictions upon the police power of the States.

Along with conservatism in law went veneration for the law — a veneration which was enjoyed vicariously by its high priests and oracles and even by its acolytes. Americans alone of Western peoples made constitutionalism a religion and the judiciary a religious order and surrounded both with an aura of piety. They made the Constitution supreme law, and placed responsibility for the functioning of the federal system upon courts. The Supreme Court, in time, became the most nearly sacrosanct of American institutions — became to Americans what the Royal Family was to the British, the Army to the Germans, the Church to the Spaniards. Criticism was sometimes acrimonious but rarely disrespectful. In the mid-nineteen-thirties when conservatives were exhausting the vocabulary of Billingsgate against the Chief Executive, those who criticised the Supreme Court were regarded as tainted with un-Americanism, and the most instructive lesson to be drawn from Roosevelt's fight for judicial reform was to be found in the outpouring of quasi-religious devotion to the Court which the hearings of the Senate Judiciary Committee evoked.

It was not a little curious that a people reputedly lawless should confess by their attitudes and their conduct the deepest respect for the law, and that a people who had rejected alike the divine right of kings and the unlimited power of legislatures should throw over their courts an aura of divinity and permit them the exercise of ultimate authority. The courts are, to be sure, creatures of the political branches, but they are creatures who grow more powerful than their creators; judicial review, required neither by law nor by logic except as a harmoniser of the federal system, was sustained and exalted by public opinion. In the United States alone of western nations the courts became the ultimate arbiters of political questions, and great issues of public policy were exposed to the hazards of private litigation. In the midst of the Civil War the right of the President to resist disunion and treason was submitted to the judiciary and sustained by only five votes to four; in the midst of one depression the right to impose income taxes — a right enjoyed by every other sovereign nation — was denied, and in the midst of another, authority to fix minimum wages, to bring order out of the chaos of the coal industry, and to establish a system of social security, all hinged on the outcome of private suits. Nowhere else except in Alice's Wonderland could a comparable situation be found. Yet so great was the respect for law and for the courts that public opinion not only

tolerated this situation but took it for granted and even found in it cause for gratification. That 'the Court will decide' became one of the axioms of American politics, acquiesced in even by legislative bodies who willingly abdicated their constitutional function in deference to the more powerful branch of the government.

Reverence for the law manifested itself in illuminating ways. It found expression in the tendency to substitute constitutional for political considerations in the formulation of policy — to discuss all questions in the vocabulary of the law, enmesh all problems in cobwebs of legal technicalities, and judge legislation by abstract standards of constitutionality rather than by pragmatic standards of wisdom or expediency. It dictated the emphasis placed upon the observation of precedent. *Stare decisis* was defensible on the ground that certainty in the law is more important than justice, but not even in England were precedents studied so religiously or cited so frequently as in America; and even in the realm of constitutional law, where the doctrine of *stare decisis* was never formally accepted, the most enlightened judges felt themselves bound by earlier decisions to vote against their own reason. It justified the tolerance for what Dean Pound has called the etiquette of justice — the delays, the technicalities, the ritual and ceremony, the mysteries of procedure and the respect for the record. It helped explain the almost lawless passion for law-making: only a people confident that the solution to all problems was to be found in laws could enact so many of them, and if Americans no more expected their laws to be enforced than they expected their religion to be applied, it was as comforting to them to know that the laws were on the statute book as to know that the churches were open every Sunday.

The American attitude towards law in general was transferred, somewhat naively, to international law. Because the American federal system was, in interesting respects, an international one, the subject had from the beginning commanded American interest, and Wheaton had early made distinguished contributions to the study of international law and Story to the complex problem of conflict of laws. No other people appeared so confident of the power of law to preserve peace, or were so zealous in contriving machinery for the control of international relations. The confidence, and the zeal, can be read in the enunciation of the Open Door policy, and in the various treaties, declarations and agreements for the preservation of the integrity of China which proved, in the end, so futile. It can be read in Bryan's numerous cooling-off treaties; in Wilson's policy of non-recognition of governments that rested upon violence, his devotion to the 'fine fabric' of international law, and his Fourteen Points; in the Kellogg Peace Pact with its slightly premature renunciation of war as an instrument of national policy, and even in the neutrality

legislation of the nineteen-thirties whereby Americans tried to talk themselves out of foreign involvements. Faith in the validity and efficiency of legal guarantees was creditable to the American character; when it took the form of gullibility it was less creditable to the American intelligence. Creditable or discreditable, it was part of the larger pattern of American legal thought.

If it cannot be said that lawyers inspired veneration, it will not be denied that they commanded respect and exercised power. Hostility to lawyers had appeared in every community, at one time or another, and regularly in frontier communities: before the Revolution the Regulators of North Carolina had protested that 'lawyers, Clerks and other pensioners, in place of being obsequious Servants for the Country's use, are become a nuisance', and a generation later Kentucky boasted an anti-Court party. But more remarkable than the persistence of hostility towards lawyers was the regularity with which it was overcome. Where titles to land were unsettled lawyers were essential; where an agricultural economy was being transformed into a commercial, lawyers were prosperous; where the interpretation of the Constitution was judicial, lawyers were dignified. 'In America', wrote the astute Tocqueville in the eighteen-thirties, 'lawyers form the highest political class and the most cultivated circle of society . . . If I were asked where I would place the American aristocracy I should reply without hesitation that it is not composed of the rich . . . but that it occupies the judicial bench and bar.'

The dignity, prosperity and influence of the legal profession is one of the most striking phenomena of American culture. Surely in no other country have lawyers occupied a comparable position or played a comparable role. All but some ten American Presidents were exposed, in varying degrees, to legal training, and of those customarily thought great only Washington and the first Roosevelt were wholly without benefit of law. In the first century of the history of the Republic, Judge Dillon has estimated, some two-thirds of all Senators, over one-half of all Representatives, and more than half of all State governors were lawyers. It is not without interest that during the Civil War the Secretary of War was a lawyer and the Secretary of the Navy had studied law; that during World War I the Secretary of War was drawn from the ranks of the law, and that in World War II, Secretaries Stimson and Patterson of the War Department and Forrestal of the Navy were all lawyers. A comparison with English Cabinet members for comparable periods would be illuminating.

Nowhere has the law been more faithfully cultivated, nowhere more assiduously studied. The Law School, like the constitutional lawyer, is an American institution, and no British or continental university gives the training in law that a dozen American universities

provide as a matter of course. At a time when Sydney Smith was asking who read an American book, Joseph Story was recognised as the greatest legal scholar in the English-speaking world, and whatever may be the judgment on American scholarship in general, no one familiar with the Harvard and Columbia Law Reviews and the Yale Law Journal can doubt that in those fields of legal scholarship which are not antiquarian America is pre-eminent.

It is a tribute to the position of the lawyer that no other profession has inspired such a literature, or such a mythology, as the legal. Lawyers are legendary characters, their careers and their arguments the very stuff of folklore: who does not know how Marshall invoked his jurisdiction over the whole United States to justify bringing out the *Madeira*; how Lincoln summoned the moonlight to clear a client from the charge of murder; how Webster out-argued the Devil himself? The glories of the law are celebrated in a hundred volumes on the Bench and Bar, but who ever heard of volumes on the clergy or the teachers or the architects of Franklin County?

As lawyers took over politics and, to a large extent, business, so legal ideas and attitudes permeated most aspects of American thought. What Tocqueville observed in the eighteen-thirties was equally true a century later:

Scarcely any question arises in the United States which does not become, sooner or later, a subject of judicial debate; hence all parties are obliged to borrow the ideas, and even the language, usual in judicial proceedings in their daily controversies. As most public men are, or have been, legal practitioners, they introduce the customs and technicalities of their profession into the affairs of the country . . . The language of the law thus becomes, in some measure, a vulgar tongue, . . . the spirit of the law gradually penetrates beyond their walls into the bosom of society, where it descends to the lowest classes, so that the whole people contracts the habits and tastes of the magistrate.

This influence, so pervasive and so powerful, was, naturally enough, a force for conservatism, for law is by its very nature conservative, and most of its disciples gladly share its nature. Again the insight of Tocqueville — himself, it should be remembered, a magistrate — was prophetic. 'It must not be forgotten', he wrote of lawyers, 'that if they prize the free institutions of their country much, they nevertheless value the legality of those institutions far more; they are less afraid of tyranny than of arbitrary power.' The invention by the legal fraternity of the fiction of liberty of contract — a fiction designed to safeguard the right of working men and women to contract for any hours and wages and conditions that they saw fit to accept — the diversion of the Fourteenth Amendment, and

especially of its due process clause, from its original purpose of protecting the rights of freedmen to its efficient purpose of protecting the rights of corporations, the hostility of the legal profession to almost every item of social welfare legislation from the income tax to tenement house reform, from workmen's compensation to minimum wages, is a familiar story. It is no accident that from the days of Jefferson's 'assault on the judiciary' to Franklin Roosevelt's 'court-packing' plan, almost every liberal has found it necessary to attack the misuse of the judicial prerogative or that almost every reform movement has included some measure designed to curb judicial pretensions. It is no accident that almost every attack has failed, almost every reform miscarried.

LEVIATHAN AND THE EUROPEAN ROMANTICS¹

H. G. SCHENK

Lecturer in European Economic and Social History in the University of Oxford

HUMAN beings living in the twentieth century to whom, almost anywhere on this globe, Politics in one form or another is continuously brought home, must needs find it difficult to appreciate the mixed feeling of surprise and consternation experienced by the contemporaries of the French Revolution and the ensuing Napoleonic drama. Perhaps the readiest appreciation could be expected from those Eskimoes who during the second World War suddenly found themselves faced by a strange looking and even more strangely equipped aerial warrior who though seemingly descending from Heaven must indeed have appeared to them as a *diabolus ex machina*.

Unlike our contemporary in his icy wilderness and unmitigated bewilderment, the generation of Europeans who lived through the French Revolution could hardly claim to be entirely unprepared for the advent of this modern form of Fate, as Politics was referred to by Napoleon, himself the Man of Destiny. They might have been forewarned by certain tendencies showing themselves in the preceding Age of Enlightened Despotism and even in earlier times. Yet we have to record the fact that the new situation was not realised before 1789. A quarter of a century before that fateful date, the Irish poet Oliver Goldsmith could still assure himself and his readers:

In every government, though terrors reign,
Though tyrant kings or tyrant laws restrain,
How small of all that human hearts endure,
That part which laws or kings can cause or cure.
Still to ourselves in every place consigned,
Our own felicity we make or find.²

No sensitive poet could have written these lines after 1789 or 1793, except in the spirit of bitter defiance. Indeed, numerous testimonies bear out the historical truth of Goethe's dictum: 'He who has experienced the French Revolution feels himself being driven into

¹ From *Progress and Disenchantment: A Study of European Romanticism*, at present in preparation by the writer.

² *The Traveller* (1764).

History.¹ So overpowering was this event that young Friedrich Schlegel in 1798 declared it to be the most urgent requirement of the time, 'to find a spiritual (*geistiges*) counterweight against the Revolution and the despotism which it exercises over the minds by the compression of the highest secular concern (*die Zusammen-drängung des höchsten weltlichen Interesse*)'.² In the same year Ludwig Tieck wrote the Romantic drama *The Monster and the Enchanted Wood*. A stranger who inquires after the frightful monster is told that it is 'political enough, for it devours everything that comes into its claws'. The stranger who himself is non-political and lives only for his scholarship, asks naively: 'So it is not a friend of the sciences?' The reply leaves little margin for doubt: 'Oh yes, a friend in so far as it will devour you with all your science.'³ Secular politics threatened, indeed, to engulf all other spheres of human endeavour and transcendental aspiration when, a few years later (1806), Wetzell in his *Prolog zum grossen Magen* could satirically envisage God being asked to vacate His throne, to use His omniscience for the purpose of serving as a police officer, with a certain 'organised' uniformity with the Devil and a compensating claim for superannuation; His Son, of course, might have to be conscribed; neither could spiritual power be tolerated on earth any longer. It was significant that while these lines were being written, the Holy Roman Empire finally collapsed.

'The monster will devour you with all your Science!' What were the chances that Art would fare better? Again the Romantics were deeply pessimistic. Justinus Kerner's verdict was typical: 'I do not fail to observe that Politics means the death of all true poetry,'⁴ perhaps also for the reason that it leads to "outwardness" (*Äusserlichkeit*), away from nature into the artificiality of political life, in which, especially in our centuries no poetry is to be found any more.'⁵ E. T. A. Hoffmann and Pushkin,⁶ but also many other Romantics would agree with Goethe who, a few days before his death, warned Eckermann that Politics was not a suitable subject for a poet. Eichendorff for one, in a study containing his literary

¹ 'Wer die Französische Revolution erlebt hat, fühlt sich in die Geschichte hineingetrieben.' — 'Geschichte' here means, of course, the current of political events.

² *Ideen*. Athenaeum, III, Berlin, 1800.

³ *Das Ungeheuer und der verzauberte Wald. Ein musikalisches Märchen in vier Aufzügen*, 2nd act, 2nd scene.

⁴ It is perhaps noteworthy that Gentz, in an introductory essay to his translation of Burke's *Reflections on the Revolution in France*, arrived at the same conclusion as early as December 1792. (*Über den Einfluss politischer Schriften und den Charakter der Burkeschen*, 1793, p. 3.)

⁵ Ricarda Huch. *Ausbreitung und Verfall der Romantik*, Leipzig, 1920, p. 297.

⁶ Cf. S. v. Stein, *Pushkin* und E. T. A. Hoffmann (German *résumé* of a Russian study), Tartu, 1927, p. 318.

creed, deplored the tendency of some contemporary poets 'to twaddle' about facts which must always remain on the surface. It was at about the same time that in France Janin stated in his *Histoire de la littérature dramatique* (1853): 'We have no more writers, only talkers; no more poets, only deputies; and what poets there are have become absorbed among those deputies who proclaim in their ghastly *patois*: "Le centre droit, le centre gauche!"'¹ Sometimes, however, the politician far from absorbing the poet made him look rather ridiculously useless; it was Achim von Arnim who observed this utilitarian tendency already during the Napoleonic Wars.²

Once Romantic disenchantment was in full swing, politicians of many nations and parties came in for a full measure of disdain. Lord Byron in *Don Juan* emphasised how little there was to choose between Tories and Whigs,³ and scoffed at the glittering mass of 'statesmen, chiefs, orators, queens, patriots, kings, and dandies'.⁴ Alfred de Musset was rather disgusted by brawlers and turncoats:

Je ne fais pas grand cas des hommes politiques,
Je ne suis pas l'amant de nos places publiques.
On n'y fait que brailler et tourner à tous vents.⁵

Charles Nodier's hero *Jean Sbogar* was concerned about the appearance of sophistic demagogues: 'Quand la politique est devenue une science de mots, tout est perdu. Il y a quelque chose de plus vil au monde que l'esclave d'un tyran: c'est la dupe d'un sophisme.'⁶ S. T. Coleridge, who in his *Ode to Tranquillity* (1801) had expressed his hope to be spared 'low intrigue or factious rage', in his second *Lay Sermon* (1817) went so far as to analyse in some detail ten different demagogic devices, 'the tricks played off by the mountebanks and zanies of patriotism'.⁷ Among demagogues of various walks of life, lawyers seemed prominent to such observers as Edmund Burke, Johannes von Müller,⁸ and later Georges Sand. To sum up, it seemed as if the new rulers were not better men than those whom they had overthrown. Perhaps the earliest testimony of S. T. Coleridge's disenchantment is the letter addressed to his brother, the Reverend George Coleridge, in April 1798. In it we

¹ Tome 1, p. 158.

² *Armut, Reichtum, Schuld und Busse der Gräfin Doloress* (1810).

³ Canto XVI, stanza LXX.

⁴ Canto XI, stanza LXXV.

⁵ *La loi sur la presse* (1835).

⁶ *Jean Sbogar* (written in 1812), ch. XIII.

⁷ *A Lay Sermon, addressed to the Higher and Middle Classes on the existing Distresses and Discontents*, pp. 167-70. F. Schlegel too, in his fascinating study *Signatur des Zeitalters* (Concordia, Vienna 1820, p. 62) stressed the element of demagogy in recent political movements.

⁸ In a letter to his brother, written in November 1798, the great Swiss historian put most of the blame for the mischief connected with recent Napoleonic campaigns upon 'lawyers and other half-scholars'.

find a conclusion which seems to foreshadow Lord Acton's pessimistic view of the corrupting effect of power on those who exercise it. 'History has taught me', young Coleridge writes, 'that rulers are much the same in all ages, and under all forms of government; they are as bad as they dare to be.'¹ We hear the echo of this in Shelley's lament:

Power, like a desolating pestilence
Pollutes whate'er it touches.

Could disillusionment be carried even further than that? Indeed it could, and Friedrich von Schlegel in the early 1820s made this final step in his masterly diagnosis of modern trends. Already in 1818 it had seemed to him that Politics were about to become 'a good degree madder, more wicked and more wanting in taste than hitherto'.² Two years later he cast his glance once more back to the Revolution when he wrote: 'A phenomenon which for the first time awakened the deeper searching political theorists (Staatskundigen) and observers of the world from their illusion and, as a dangerous sign of the time, filled them with earnest horror, was the appearance of unselfish crimes . . . arisen from a confused and erroneous idea of the fanatic and unruly Zeitgeist.'³ Whether or not men whose quest for power was as unquenchable as that of Robespierre can rightly be called unselfish, the fact remains that that great modern dictator and his diabolic henchman St. Just lived, as it were, in a dehumanised atmosphere, which gave their political actions a monstrously uncanny tinge. E. T. A. Hoffman, who did not possess F. Schlegel's gift for lucid exposition, but who possessed the truly poetic power of symbolism, has given to the world's literature in his tale *Klein Zaches* the symbol for the dehumanised modern statesman; dehumanised, for, we are told, Minister Zinnober, as Zaches comes to be called later, is after all an awkward misshapen thing (*ein fatales, missgestaltetes Ding*),⁴ certainly not a human being in the full sense of the word.

The discrepancy between Politics and Ethics which had been widening ever since Machiavelli's sinister treatise, seemed by now an unbridgeable gulf.⁵ That this was so, was realised from both sides

¹ *Letters of Samuel Taylor Coleridge*, ed. Ernest Hartley Coleridge, I, London, 1895, p. 240.

² Letter of April 3rd, 1818, to his sister-in-law, Maria Mendelssohn.

³ *Signatur des Zeitalters*, Concordia, Wien, 1820, p. 9.

⁴ *Klein Zaches, genannt Zinnober. Ein Märchen*. Cf. also E. A. R. A. von Schenck, *E. Th. A. Hoffmann. Ein Kampf um das Bild des Menschen*, Berlin, 1939, pp. 76, 77, 99.

⁵ Certainly not only in Prussia although it should be emphasised that Machiavellian principles exercised an exceedingly strong influence on the policy of that upstart Power. O. H. von der Gablentz, in an article 'Die Tragik des Preus-

of the abyss. Napoleon, whose library on his Egyptian campaign had included the Bible, the Koran and the Veda under the significant heading 'Politics', told Metternich brazenly that 'ethical ideals are only for dreamers, but not for politicians'. Schopenhauer, on the other hand, referring to the modern pseudo-philosophical doctrine according to which the State served the purpose of promoting man's Ethics, thought that rather the opposite was true.¹ Indeed, he added, 'the State and the Kingdom of God or the moral law are so heterogeneous that the former is but a parody of the latter, a bitter laughter about its absence, a crutch instead of a leg, an automaton instead of a human being'. Both Napoleon, the political conqueror, and Schopenhauer, the herald of spiritual conquest,² might be regarded as extreme. All the more valuable is the opinion of a man like the Baron von Stein who tried to be at the same time a passionate politician and a passionate moralist. In 1819 he had to admit that the two spheres were irreconcilable. With deep resignation he wrote to a friend: 'Altogether I have to confess that the result of my life's experience is the vanity of human knowledge and endeavour, especially in political matters, since the latter are as a rule directed by men who are unworthy of public trust. For this reason relations are so complicated and manifold that the most ingenious person can hardly divine, let alone comprehend them.'³

If this was Stein's opinion we cannot be surprised to find that several among the Romantics came at one stage or other to adopt a marked feeling of indifference towards matters political. When Charles Lamb confessed to Thomas Manning on March 1st, 1800: 'Public affairs — except as they touch upon me, and so turn into private — I cannot whip up my mind to feel any interest in', or when he commented thirty years later on the July Revolution: 'I cannot even muster enthusiasm to admire the French heroism',⁴ his attitude was not as exceptional as is usually believed. Even Wordsworth, who had been so passionately interested in Politics, in later conversations with Coleridge never mentioned this subject at all; indeed, as Professor Basil Willey recently put it, 'what breathes in his [Wordsworth's] best work, is . . . the rapture of an escape from uncongenial political preoccupations . . .'⁵ In France de Musset became the

¹ Nachlass, *Sämtliche Werke*, Stuttgart (Cotta), XII, p. 241.

² *Die Welt als Wille und Vorstellung* (1818); cf. also Gwinner, *Arthur Schopenhauer aus persönlichem Umgange dargestellt*, Leipzig, 1878, p. 223.

³ Stein to Hövel, Frankfurt, November 16th, 1819.

⁴ Letter to Bernard Barton, August 30th, 1830.

⁵ *The Eighteenth Century Background. Studies on the Idea of Nature in the Thought of the Period*, London, 1946, p. 254.

sentiments', rightly says: 'This Borussian Macchiavellism has been the secret religion of the Prussian State since Frederic — seldom consciously and for this reason particularly pernicious.' (*Deutsche Rundschau*, May 1946, p. 107.)

prototype of the poet who is indifferent towards Politics. But one of the central figures in de Vigny's *Stello*, one Docteur Noir who is made to see through the faults of all political parties and regimes, shows that de Vigny himself at that stage could not have been far from such an attitude.¹ And even Lamartine — it is true: after 1848 — professed a 'political atheism'² which was the result of his deep disenchantment. Other French Romantics such as Ozanam and Victor Hugo voiced the hope that the prevailing political spirit would soon give way to a social spirit. On the other hand, we must not forget that Lamartine and Victor Hugo, no less than Chateaubriand or Montalembert, played important roles on the political stage. Julien Benda's remark made in our days³ that for the last two hundred years — that is to say, since Voltaire — the majority of the French writers who have become famous have taken up a 'political attitude', applies also to the majority of the French Romantics.

Byron's attitude was rather a complex one. On January 16th, 1814, he noted in his *Journal*: 'As for me, by the blessing of indifference, I have simplified my politics into an utter detestation of all existing governments; and, as it is the shortest and most agreeable and summary feeling imaginable, the first moment of a universal republic would convert me into an advocate for single and uncontradicted despotism. The fact is, riches are power, and poverty is slavery all over the earth, and one sort of establishment is no better nor worse for a *people* than another. I shall adhere to my party, because it would not be honourable to act otherwise; but as to *opinions*, I don't think politics *worth an opinion*.'⁴ And Thomas Medwin reported Byron saying at Pisa in 1821-22: 'I take little interest in the politics at home. I am not made for what you call a politician, and should never have adhered to any party. I should have taken no part in the petty intrigues of cabinets, or the pettier factions and interests for power among parliamentary men.'⁵ At the same time Byron continued to take a lively interest in the political affairs of other countries. He told Medwin: 'Perhaps, if I had never travelled — never left my own country young — my views would have been more limited. Perhaps the prostrate situation of Portugal and Spain — the tyranny of the Turks in Greece — the oppressions of the Austrian Government at Venice — the mental debasement of

¹ Roger Picard, *Le Romantisme Social*, New York, 1944, p. 129.

² Cf. H. Guillemin, *Lamartine. L'homme et l'œuvre*, Paris, 1940, p. 94.

³ *La trahison des clercs*, édition revue et augmentée, Paris, 1947, p. 230.

⁴ *Letters and Journals*, vol. II, ed. Rowland E. Prothero, London, 1898, p. 381.

⁵ *Journal of the Conversations of Lord Byron: noted during a Residence with his Lordship at Pisa, in the years 1821 and 1822*, London, 1824, p. 228. Cf. also *Don Juan*, canto IX, stanza 26:

... being of no party,
I shall offend all parties — never mind!

the Papal States (not to mention Ireland) — tended to inspire me with a love of liberty.¹ However, a closer study of the motives which eventually made Lord Byron champion the cause of the Greeks against 'the tyranny of the Turks' reveals a great deal of disenchantment and search for adventures mingled with his love of liberty. As to the people whom he helped to liberate, he was under no illusion. Shortly after his arrival in Greece he had written to a Philhellene: 'I can hardly be disappointed, for I believed myself on a fool's errand from the outset . . . because I do not feel confidence in any individual capacity for this kind of bear-taming.'²

Whither could the Romantics flee in their desire to get away from Politics? Part of the answer lay in Friedrich Schlegel's admonition to his friend Novalis in 1799: 'Do not squander faith and love into the political world; into the divine world of scholarship and art you must sacrifice your innermost in the holy stream of eternal culture (*Bildung*).' Significantly Novalis had added on his copy the marginal comments: 'I follow this word, my dear friend.'³ The same leitmotif recurs about thirty years later in one of Friedrich Schlegel's last letters to his brother August Wilhelm. In it the famous scholar is reminded of the great importance of his Sanskrit researches; any time spent on the activities of a 'political or religious partisan author' is deplorable waste.⁴

As far as Art was concerned, Goethe has given us the most lucid explanation of the same trend. At the beginning of the Revolutionary Wars he wrote: 'In the situation in which I find myself, I have taken a vow not to take part any more in anything but that which I have in my power, such as a poem, where one knows that in the end one has to blame or praise only oneself — a work, that is, with which, once the plan is good, one does not meet the fate of Penelope's veil.' Again: Politics the modern Fate, and indeed Goethe came to the conclusion that all these things — such as modern Revolutions and Wars — cannot be influenced by us (*dass wir auf dies alles nicht wirken können*). Thus in a deeper sense it was still possible to feel with Oliver Goldsmith:

Still to ourselves in every place consigned,
Our own felicity we make or find.

But, unlike the balanced period of the 1760s, a great and conscious

¹ *Op. cit.*, pp. 229-30.

² Letter to Col. Napier from Metaxata, October 1823. Cf. the present writer's study *The Aftermath of the Napoleonic Wars*, London, 1947, pp. 170-1.

³ P. Kluckhohn, *Novalis und Friedrich Schlegel*, *Deutsche Rundschau*; CXCI, 1922, p. 167.

⁴ Friedrich Schlegel's *Briefe an seinen Bruder August Wilhelm*, ed. O. F. Walzel, Berlin, 1890, p. 654. The letter is dated January 21st, 1828.

effort was now required if man was still to regard himself as the maker of his own fortune.

Thus we have come back to Friedrich Schlegel's demand for a counterweight against the Revolution and all it implied. 'Where shall we seek and find this counterweight?' Schlegel wondered and he continued: 'The answer is not difficult: incontestably in ourselves.'¹ And young Jacob Burckhardt in a pessimistic letter to his friend Kinkel in 1842, almost echoes Schlegel: 'Of one thing no Revolution can deprive the individual: I mean his inner truth.' However, at the time when these lines were written, Romanticism had already spent most of its force. Politics — and Economics — were by now safely installed so that Leopardi in his *Palinodia* stated melancholically:

Questa virile età, volta ai severi
Economici studi, e intenta il ciglio
Nelle pubbliche cose.²

It is pathetic to reflect how some of the early Romantics had set their hopes in the State and, thereby, in an increase of political centralisation, and how deeply they came to be disappointed when the powerful State emerging from the Revolution began to show its teeth. However, we must not forget that other Romantics had shared the illusion which was widespread at the time, that the Revolution would usher in an age of federalism and decentralisation. When this hope was dashed to the ground, their disenchantment was equally marked.

The federalist movement as an active political force did not survive the fall of the Girondists in May 1793; indeed, their fall was partly caused by the accusation that they had pursued federalist aims — a dangerous charge in times of war when there was much to be said for a strong and centralised government. However, already in December 1789, long before there existed even a danger of war, the Constituante had, on the instigation of the methodical Abbé Sieyès, decreed the abolition of the traditional provinces and their replacement by small but inorganic départements which, unlike the old provinces, were not expected to develop particularistic tendencies. Accordingly hitherto current terms, such as 'nation bretonne, nation auvergnate, nation dauphinoise' disappeared under the new slogans of 'La France une et indivisible' and 'La Nation, la Loi, le Roi' which the Constituante coined and popularised. Obviously the metropolis from which these catchwords emanated, stood to gain considerably in influence and importance. Burke in his *Reflections on the Revolution in France* quite rightly referred to the superiority

¹ *Ideen*, Athenaeum, III, Berlin, 1800.

² 'This virile age turns towards the severe economic studies and thrusts itself deep into public affairs.'

of the City of Paris as 'material of cement' for the new republic, for it was 'through the power of Paris, now become the centre and focus of jobbing, that the leaders of this faction directed or rather commanded, the whole legislative and the whole executive government'. In the nineteenth century the invention of the telegraph, the 'wires of the capital city', as the Bavarian Romantic Nepomuk Ringseis called it, accentuated this tendency so that the half-German Russian émigré Alexander Herzen, himself at times strongly influenced by German Romanticism, could compare the modern State to 'Djenghis Khan with the telegraph'.

Viewed from a sufficient historical distance, which Herzen and Tocqueville already possessed, the French Revolution appears to have but continued the work of the preceding *ancien régime* and enlightened despotism, and thereby to have paved the way for the more far-reaching centralising measures of the Directory and the Empire. It is well to remember that Mirabeau in his *Travail sur l'éducation publique* (published posthumously in 1791), already referred to 'la fureur de gouverner, la plus funeste maladie des gouvernements modernes'. What matters here is that this malady, far from abating, showed definite signs of aggravation. Internally the Directory arrogated to itself arbitrary powers over the press, the clergy and the émigrés, embarked on a considerable measure of industrial planning and State intervention in economic affairs; besides, the bureaucracy was considerably strengthened. Centralisation was, however, carried also into the dependent territories: in Holland in 1800 the historic federal Republic of the United Netherlands was abolished in favour of a centralised regime; in Switzerland the autonomy of the cantons was sacrificed in favour of the 'one and indivisible' Helvetian Republic; and the new constitution of the Roman Republic was a more authoritarian version of the French constitution of 1795. Centralisation was carried out also on the other side of the Channel when, in 1801, Ireland was forced into the Union with England.

Under Napoleon, the administration was rigidly centralised: the law of February 17th, 1800 decreed that henceforth a préfet stood at the head of each département, just as each arrondissement had its sous-préfet, and each commune its maire; all these three categories of officials were civil servants nominated by the government. Before long the Code Napoléon was to bring about centralisation in the legal, the newly-established Ecole Normale in the educational sphere; here the reorganisation of the University of Paris pointed in the same direction. Taken all in all, Madame de Staël was not unjustified in uttering her seeming paradox: 'In France liberty is ancient, it is despotism that is modern.' Heinrich von Kleist, too, saw in the 'Korsenkaiser' the super-centralising despot.

Friedrich Schlegel in *Signatur des Zeitalters* was obviously thinking of Napoleon when he remarked that 'the lust for inward and for outward conquest are often found together, because the former is needed to prepare sufficient striking power and material for the plans of foreign conquest.' We may add that at times the relation is reversed, that is to say that foreign conquest is believed to be needed for the intensification or consolidation of internal 'conquest'; Brissot's plan for a propaganda war in 1791-92 is a case in point.

Again centralisation was not confined to territories which came under the direct control of Napoleon. In Bavaria, for example, Comte de Montgelas's centralised bureaucracy began to interfere even with charitable institutions, not to mention such measures as the secularisation of the monasteries which the Enlightened Despots — and indeed Henry VIII — had anticipated. Many Bavarians complained about *Vielregiererei* and administrative busybodies;¹ others, like the early Romantic thinker and theologian, J. M. Sailer, sided openly with the old Church² in its defensive *Kulturkampf* against the modern tentacled monster.

Nor did the overthrow of Napoleon mark a reversal of the tendency in question. Victorious Prussia for one continued and accentuated it, as the inhabitants of the newly-acquired Rhenish provinces were soon to discover to their chagrin. In vain had the Rhenish Romantic journalist Görres during the Congress of Vienna protested in his paper *Rheinischer Merkur* against the undesirable new overlord of half-Slavonic origin. Sympathy from impartial observers could not go far in consoling the Rhinelanders. Yet it was significant that Coleridge did not allow himself to be blinded by the prevalent Francophobia and thus to fall into the trap of idealising England's partner of *La Belle Alliance*. On the contrary, he perceived quite clearly Prussia's 'military despotism', as well as 'the iron chains that bind together the most heterogeneous parts — Poles, Saxons, Silesians, Swiss'.³ The tradition of Frederic 'the Great', who, in Adam Müller's words, had used the State as a plaything (*Spielwerk*) or an instrument,⁴ proved an auspicious basis for the centralisers' efforts. Towards the end of the Restoration period, in 1843, Leopold von Ranke, a shrewd and cautious observer if ever there was one, noted in his Parisian diary: 'The policy cannot but be conceived in terms of the constitutional regime or of a more or

¹ Cf. M. Doeberl, 'Die Entstehung des modernen Staates in Bayern', in *Denkwürdigkeiten des Grafen Maximilian Joseph v. Montgelas über die innere Staatsverwaltung Bayerns* (1799-1817), München, 1908, p. LXXV.

² Cf. Philipp Funk, *Von der Aufklärung zur Romantik. Studien zur Vorgeschichte der Münchener Romantik*, Prague, 1925, p. 65.

³ Marginal notes to H. Steffens, *Caricaturen des Heiligsten*, I, 1819, p. 235. (Copy in British Museum Library.)

⁴ 'Fragment über den Adel', *Vermischte Schriften*, I, p. 221.

less centralised administration.¹ The same verdict was openly expressed by Victor Hugo in more emphatic tone when he defended his drama *Le roi s'amuse* against malicious critics: 'Bonaparte too was a despot', he replied, 'but of a different kind. He did not apply any of these precautionary measures by means of which we are now being deprived of one of our liberties after another. He took them away all at once.'

Constitution or no constitution — centralisation of a mechanical character (as it seemed to the Romantics) and with it 'fureur de gouverner' continued just the same. Indeed, far-sighted observers such as Schopenhauer came to believe that life in a new-fangled republic would be even more strictly regimented than under a monarchy. Therefore, since he wished to remain as far as possible independent of State and bureaucracy, he favoured the monarchical system.² It is noteworthy that a Romantic of such a different tinge as Sismondi shared Schopenhauer's apprehension of the consequences to which the democratic movement was bound to lead.³ Nor did Sismondi reject modern democracy only; he felt equally concerned about socialism which, in this respect no better than the capitalism he hated so much, would, once victorious, prove a strongly centralising and oppressive force.⁴

Friedrich von Schlegel diagnosed the situation with the utmost clarity. 'Both of them', he wrote in *Signatur des Zeitalters* (1823), 'the opponents as well as the supporters of the Revolution, those who insist upon the legitimate old regime, and those who postulate the new freedom, have for the most part . . . exactly the same conception of the State and its purpose, as if it were an all-directing and all-ruling law machine — and decree factory⁵ — whose sovereign power should subjugate all things divine and human, should attract, unite and absorb them in its absolute centre, and thence decide, lead and direct; a machine which was all the more perfect the more all life was numerically recorded, man-power systematised in orderly tables, and all moving along according to the artificial central administration's perpetual rhythm.'⁶ Already in 1806 Ernst Moritz Arndt had in his deep-searching *Geist der Zeit* referred to the modern

¹ 'Tagebuchblätter,' *Sämtliche Werke*, LIII, p. LIV.

² Cf. R. Tengler, *Schopenhauer und die Romantik*, Berlin, 1923, p. 77.

³ Cf. *Etudes sur les Constitutions des Peuples libres* (1814-15); also Jean-R. de Salis, *Sismondi 1773-1842. La vie et l'œuvre d'un cosmopolite philosophe*, Paris, 1932, p. 374.

⁴ Cf. E. Halévy, *Sismondi*, Paris, 1933, p. 22. Cf. also Tocqueville's much disputed verdict: '... la centralisation et le socialisme sont des produits du même sol; ils sont, relativement l'un à l'autre, ce que le fruit cultivé est au sauvageon'. (*L'Ancien Régime*, 1856, livre III, chapitre III).

⁵ These two words, here interpolated, are to be found *op. cit.*, p. 67.

⁶ *Op. cit.*, pp. 180, 181.

State machine which was so 'over-artificial that not even the cleverest men could keep it going'. The individuals, on the other hand, 'held by a thousand invisible chains, enchanted by a thousand artificial powers, spied upon and protected at home, in the street, and behind the curtains, have at last believed that this must be so'. Arndt added: 'With this belief everything splendid had gone.' And in another passage: 'The force from within, the stubbornness of feeling, the most powerful of all, is gone. Where the pressure ceases, the counterpressure is more terrible and an equilibrium of forces is impossible.'¹ Viewed from this angle, Shelley's anarchistic outbursts seem perhaps less wilful, e.g.:

... . obedience

Bane of all genius, virtue, freedom, truth,

Makes slaves of men and of the human frame

A mechanised automaton.

In an earlier part of this article we have found the metaphor of the lifeless automaton being applied to the modern State, here we see it applied to John Citizen. It should not occasion us much surprise to discover that on the threshold of the Machine Age it was also used for the characterisation of the ever-growing bureaucracy which centralisation had necessitated, and which in its turn strongly supported it. Among many others the Baron von Stein likened modern bureaucracy to a spiritless ruling machine: 'They write, write and write in the quiet, unknown, unnoticed, untouched, and breed new writing machines.'² In a letter to Arndt on January 5th, 1818 he was even more downright: 'The true opponents of the good cause are the army of officials. They are well salaried, comfortably secure for life by means of pensions pragmatiques, and therefore wish to carry on their mysterious scribbling.' Sometimes the Romantics emphasised rather a different aspect: the heavy burden which the vast army of officials constituted for the rest of the population. In E. T. A. Hoffmann's above-mentioned tale *Klein Zaches* one Professor Mosch Terpin succeeds by wire-pulling — Minister Zinnober is his son-in-law — in getting himself appointed as 'Director-General of all Natural Affairs in the State'. Among other official duties he supervises and censors the eclipses of the Sun and the Moon as well as the weather forecasts in the State-licensed calendars. When a hailstorm has ruined the crop of the Prince's tenants, the Director-General has to travel overland in order to explain to them why it has hailed, so that the poor devils should get a little bit of science, be more careful in future, and not demand the cancellation of the rent. He also has to research

¹ *Geist der Zeit*, I, 2nd edition, 1807, pp. 93, 97.

² Letter to Wilhelm von Humboldt, Frankfurt-am-Main, March 30th, 1822.

into the nature of the capital city and its environments. To facilitate this essential research, he has sent from the Prince's forests the rarest fowl which is roasted before he devours it. Having made extensive investigations of Rhine wine and champagne, he pretends to be writing a paper on the interesting question why wine has a different taste from water.

Often the bureaucracy's unnecessarily swollen numbers were criticised; Arndt in 1806 spoke contemptuously of the 'stop-gaps, patches, town-criers, and catchpoles of the governments'. Of course, his hatred was directed mainly against 'the newest Emperor and his cowardly horde of satellites, vassals, flatterers and spies'.¹ It is well to remember in this connection that Napoleon later boasted on St. Helena that under his rule the technique of intercepting letters had tremendously improved; nor were the newly-learnt refinements, and the big staff of interceptors, abandoned when the war was over. However, for the most part the censure fell upon the futility of bureaucratic red tape. Few had an opportunity like Stein to reduce such senseless routine practices. Stein, between 1804 and 1806, eagerly seized it with the higher Prussian offices, and the obvious method he used was decentralisation, namely the partial revival of an independent provincial administration.² Others, like Ludwig Tieck, could only diagnose this endless 'scribbling' as one of the evils of the new century, although the same author was impartial enough to admit that in this selfish age the system of bureaucratic files and forms acted in some ways as a brake.³ In Eichendorff's 'dramatic tale' *Krieg den Philistern!* the jester plays with the word Lumpen which in German means both rags and ragamuffins. 'Die Zeit braucht viel Papier', he exclaims, 'Papier braucht Lumpen, o lumpige Zeit!' It should not be overlooked that in this anti-philistine sketch both the philistines and their antagonists, the liberals, are craving for paper. Eichendorff was clearly aware of the hollowness of abstract liberalism.⁴ He could see through the modern folly of trusting a written agreement or a written constitution on the sole ground that it was written down: 'The paper won't do it. The force and sanctity of the agreement does not rest in the dead letter, but only in the faithfulness, in the unfailing will to fulfil it.'⁵ Franz Baader too derided Thomas Paine's illusion that nothing deserved the name of a constitution unless it could be carried away black on white in one's pocket:⁶

¹ *Geist der Zeit*, p. 99.

² *Lebenserinnerungen* (1823).

³ *Des Lebens Überfluss* (Heinrichs Tagebuch).

⁴ Cf. Ilse Heyer, *Eichendorff's dramatische Satiren im Zusammenhang mit dem geistigen und kulturellen Leben ihrer Zeit*, Halle (Saale), 1931, p. 60.

⁵ Gesamtausgabe, X, p. 337.

⁶ *Ideen über Recht, Staat, Gesellschaft und Kirche*, ed. F. Hoffmann (1837), p. 7.

NICOLAS BERDYAEV

'Berdyaev is one of the most important writers of the time.'—The late Archbishop of Canterbury (Dr. Temple).

The Russian Idea
Slavery and Freedom
The Destiny of Man
Freedom and the Spirit
The Origin of Russian Communism
Solitude and Society
Spirit and Reality

JACQUES MARITAIN

'Maritain is one of the great minds of our time, fair, without bitterness, and of brilliant power.'—*The Manchester Guardian*.

Redeeming the Time
The Degrees of Knowledge
True Humanism
Scholasticism and Politics
Science and Wisdom
Anti-Semitism
The Rights of Man
Christianity and Democracy

C. S. LEWIS

'C. S. Lewis is one of the most acute religious thinkers of our time.'—*The Expository Times*.

Miracles
The Screwtape Letters
The Great Divorce
The Problem of Pain
The Pilgrim's Regress
Broadcast Talks
Christian Behaviour
Beyond Personality
The Abolition of Man

GEOFFREY BLES LTD. 52 DOUGHTY ST., W.C.1

Denn was man Schwarz auf Weiss besitzt
Kann man getrost nach Hause tragen.¹

Burke using stronger language had scoffed at the 'paltry, blurred shreds of paper about the rights of man',² and Carlyle looking at the Revolution from a distance of forty years once more exposed the old illusion when he asked the rhetorical question: 'Which cunningly devised "Constitution", constitutional, republican, democratic, sansculottic, could bind that raging chasm together? Were they not all burnt up, like paper as they were, in its molten eddies; and still the fire-sea raged fiercer than before?'³

Already at the turn of the century Novalis had come to the conclusion that one can be interested in a constitution only as in a letter, and that now may be the Age of the Letter (mag jetzt der Buchstabe an der Zeit sein), the written or printed letter having become an idol for half-hearted and shallow *Buchstäbler*. Like Eichendorff he felt that that party deserved nothing better than to have obscurantists for their opponents, 'in order that the batrachomiomachia may be perfectly symbolised'. As befitted one who in Goethe's estimate might have grown into an Imperator of the Spirit, Novalis looking at his Age had the vision of ghosts who in the place of the Spirit appeared in the shape of letters,⁴ *dissecta membra* as it were thrown hither and thither by pens and printing presses. As to the human beings, they were being glued together by a paper putty.⁵

¹ Disciple in *Faust*, Part One.

² *Reflections on the Revolution in France*, London, 1790, p. 128.

³ 'Characteristics' (1831), *Critical and Miscellaneous Essays*, III, London, 1899, p. 42.

⁴ Cf. Hermann Hesse's recent poem 'Buchstaben' (*Glasperlenspiel*, II, Zurich, 1943, pp. 244, 245).

⁵ *Fragmente*, ed. E. Kamnitzer, Dresden, 1929, Nos. 1590, 1591, 1598.

*Practical proposals for mediation
between East and West and the solving
of present economic problems*

**BRITISH
DECLARATION
OF
INDEPENDENCE**

by

HENRY DRUMMOND-WOLFF

With a foreword by

THE RT. HON.

LORD ALTRINCHAM

P.C., K.C.M.G., K.C.V.O., D.S.O., M.C.

The author, who has wide knowledge of trade and finance, puts forward in this book practical proposals for the restoration of the economic position of this country — a position which the Government itself declares to be an extremely grave one.

7s. 6d.

HUTCHINSON

& Co. (Publishers) Ltd.

LARGEST OF BOOK PUBLISHERS

BOOK REVIEWS

ADOLFO OMODEO: *La Cultura Francese nell'Età della Restaurazione*. Mondadori, L. 300.

Beginning a new series of historical works, this book by Omodeo starts off in the company of Roseberry's *Pitt* and Grote on Pericles. Its posthumous publication gives support to those who claim its author to have been the best historian of modern Italy.

Omodeo came from Sicily, an island which, despite all the airs of continental Italy, has contributed lately to Italian letters such illustrious names as Pirandello, Verga, Mosca and Gentile. As a leading anti-fascist he was in September 1943 installed *Rettore Magnifico* of the venerable university of Naples when that city became the capital of free Italy. His tragic death in April 1946 deprived his country of one of the finest and most disinterested brains which were thinking out the problems of university education and the re-education of Italians in representative government.

As a scholar his early studies in the origins of Christianity and on the fourth gospel gave him an unusual insight into some neglected aspects of the nineteenth century, for though he was professor of ancient history, it was on modern history that his best work was done. One age thus came to illumine another. Modern anti-semites were taxed with the same error as the Hebrews in the time of Esra and Nehemiah, an error which the Jews had since expiated with grief and persecution — namely that of breaking off ties with the rest of humanity and setting up a criterion of race with which to judge what was good and true.

In the same way his increasing opposition to fascism gave further direction to his studies. Twenty years of shameful tyranny turned his mind to the problem of how to pick up the Mazzinian traditions of the Risorgimento, and restore unity to a Europe rent by civil war. His mind ran from the Risorgimento to its European context, and hence straight to France. Omodeo never finished his biography of Cavour, which was his greatest work, limited only by the refusal of successive Italian governments (still in force today) to open up the Cavour papers. But he went far to explore the intellectual ancestry in France which Cavour shared with Mazzini. He found Italian exiles to derive so much from restoration France that 'even after *le siècle des lumières* French culture had a world-wide importance'. French scholars had mistakenly regarded the restoration as a period of decadence, misled by a preoccupation with national politics which focused attention on political decline after the glory of Napoleon, and confounded a whole epoch with the narrow politics of the restored Bourbons.



January

January is the month of Resolutions—including those passed at Shareholders' meetings. Companies, firms, private individuals and others engaged in business conduct an annual review, pass resolutions and present their balance sheets. Among the assets shown in balance sheets is "Cash at Bank": it means cash when you want it, where you want it and how you want it—a reminder of the unfailing service given by a modern bank.

MIDLAND BANK LIMITED

Omodeo had already written books on French Catholicism, on De Maistre, on Loisy, on Gioberti. The present work is primarily a study of Lamennais, his critics and his derivatives. It is concerned with the reaction on the world of culture of the contrast between pre-revolutionary ideas of conservatism and the new impetus given by the Revolution towards reform — a contrast present in every field of politics, philosophy, art and religion. The author is most happy in these dangerous waters of cultural and intellectual history, and is lucid without oversimplification. He studies the superimposition of romanticism upon 'throne and altar'. He shows how Lamennaisian authoritarianism had much in common with the S. Simonians and the Comtists against both the new liberalism and the ideas of the eighteenth century. Benjamin Constant and the liberals stood for the rule of Law and constitutionalism and even for tradition against both ultras and positivists. It was the ultras who drove the liberals unwillingly into alliance with the mob of Saint-Antoine in 1830. And so liberalism spread and quite outpaced legitimism. De Staël, followed by Mignet and Thiers, were to heal the breach in French tradition by incorporating the Revolution into a necessary pattern as an integral part of history instead of a deviation from it.

The book will stand as one of the most distinguished products of the Crocian historiography, with all the virtues and defects of that school. No new sources are tapped, and one is glad to find no forced striving after 'new interpretations'. Yet every line is a work of interpretation and based on a profound study of contemporary writings. It strives to increase understanding rather than knowledge, although it is less open than others of its kind to accusations of imprecision and lack of documentation, or of being poetry before history. But it does have the disadvantages in arrangement and cohesion due to its appearance originally in the form of articles. It first began to appear in the year 1940, and it is chastening to find an Italian confess that this was for him the darkest year of the war.

D. M. S.

FREDERICK HERTZ. *The Economic Problem of the Danubian States: A Study in Economic Nationalism.* Gollancz, 15s. net.

Professor Hertz limits this study of economic nationalism, that subjection of economic considerations to political ideologies which reached such proportions between the two wars, to the area of old Austria-Hungary. Even within that area he usually confines himself, for the good reasons which he gives, to Austria, Czechoslovakia and Hungary among the succession states. Within these limits his approach is essentially factual and carefully avoids the mixing of theories with statistics. The value of the book lies mainly in its numerous tables of facts and figures concerning the whole range of



RESEARCH

A Journal of Science and its Applications

Special features of this new monthly Journal include:

1. General articles reviewing in particular fundamental advances and considering practical developments.
2. Surveys on borderline subjects, particularly where, for example, biological observations appear syncretic to the principles of physical chemistry.
3. Reports on the research activities of the laboratories of the Research Associations, official research stations, industrial and academic centres of research, at home and overseas.
4. **A Supplement affording facilities for the publication of carefully selected original research papers.**

Annual Subscription in U.K. 45s. post free. Full details on request.

BUTTERWORTH'S SCIENTIFIC PUBLICATIONS LTD., Bell Yard, Temple Bar, W.C.2

EAST AND WEST LIBRARY

SHORTLY TO BE ISSUED

HISTORY OF JEWISH MYSTICISM

By ERNST MÜLLER

A comprehensive survey of Jewish Mysticism and its influence on non-Jewish thought. 8/6 NET

KING SOLOMON

By FREDERICK THIEBERGER

A fascinating portrait of the great Biblical monarch based on the latest scholarly research. 300 PAGES: 12/6 NET

OTHER TITLES IN THIS SERIES

MARTIN BUBER
MOSES

12/6

SAADYA
THE BOOK OF DOCTRINES
AND BELIEFS

8/6

AHAD HAAM
ESSAYS, LETTERS, MEMOIRS

12/6



PHILO
SELECTED WRITINGS

7/6

JEHUDA HALEVI
THE KUZARI

8/6

SOLOMON SCHECHTER
SELECTED WRITINGS

10/6

(This famous scholar was Reader
in Rabbinics at Cambridge.)

ASK FOR OUR CATALOGUE

EAST AND WEST LIBRARY • 1 Cromwell Place • S.W.7

economic development in pre-war and post-war Austria, Czechoslovakia and Hungary. Although most of these statistics had been previously published elsewhere, Professor Hertz has performed a most useful service in collecting them together and presenting them with the necessary warnings and clarifications.

It emerges quite clearly that the ten years before the outbreak of the first World War were, in spite of natural difficulties and historical background, a period of prosperity and steady improvement for these areas. Hungary's real national income increased by 75 per cent, Austria's by 69 per cent, a much more pronounced increase than in Britain (26.5 per cent), or Germany (51.7 per cent in money income, less in real income) during the same period.

It is not so clear that Professor Hertz is also right in claiming that the other nationalities in the Empire derived almost as much profit from the general development as did Austria and Hungary. His figures for the Alpine territories, Bohemia, the Southern Slav territories, Galicia and Bukowina are the only unsatisfactory ones in the book and Professor Hertz's references for them are conspicuously absent when compared with the wealth of authority he quotes for his other figures. Moreover, statistics of economic development within the other territories will not in themselves be an adequate guide in deciding such questions as whether or not Austria did exploit those other territories. It would probably be safe to contend that nationalist propaganda much exaggerated the extent to which old Austria, and Vienna in particular, batted on oppressed nationalities in subjected provinces. But Professor Hertz's evidence for going further than this (pp. 40-2) is not entirely convincing, and he himself qualifies his attitude in an epilogue (p. 219).

Whether or not it was equally shared between the territories, the improvement in these years was, as Professor Hertz shows, due to the natural division of labour between the territories, made possible by the absence of trade barriers. 'The fundamental fact in the economic development of the Danubian countries after the war was the destruction of their economic community within the Austro-Hungarian Empire.' The result was persistent economic decline, after an initial period of artificial prosperity. Professor Hertz describes this development in great detail and with a wealth of statistics. He realises that the economic nationalism in the world generally would have had, for the Danubian states, results tending in the same direction, even if their economic unity had somehow been preserved; but the effects 'would never have been so devastating if the Danubian states had been able to co-operate'. With why they were not able to co-operate Professor Hertz is only incidentally concerned. With how the development could have been prevented, and with possible patent medicines for such illnesses in the future, he is not concerned

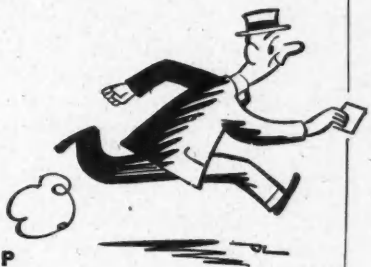
NAL
cho-
been
ed a
hem
k of
rical
for
per
ease
oney
that
profit
His
erri-
s in
picu-
notes
ment
uate
l ex-
tend
which
essed
ence
and
the
ne to
sible
the
was
stro-
after
s this
He
ould
same
ved;
bian
able
With
sible
rned

NOW

is the time to

EXCHANGE

BOOK TOKENS



AT ANY GOOD BOOKSHOP

HEFFER'S BOOKSHOP

New — Secondhand
English — Foreign

W. HEFFER & SONS
LIMITED

Petty Cury, Cambridge



at all. His aim, as he says, was more modest: the elucidation of what happened. This elucidation is well done, with great clarity and a minimum of words.

F. H. H.

J. A. TODD: *Projective and Analytical Geometry*. Sir Isaac Pitman, 25s. net.

This book is intended as a textbook for the last two years of an honours course. It contains chapters on the foundations, the conic, the quadric, twisted cubic and linear complex, the general theory of collineations, linear systems of conics and quadrics and their invariants and covariants. The subject is placed on algebraic foundations from the start, and, although both algebraic and synthetic methods are afterwards used, the book is algebraic in spirit. The general treatment has been devised to bring out the relation between projective geometry and the theories of matrix algebra and algebraic invariants.

As an essay in this method of treatment the book can be welcomed wholeheartedly, but it is difficult not to feel that its value as a textbook has suffered from over-concentration on this purpose. It is difficult reading, concise and intense, almost in the manner of lecture notes and in marked contrast to the more leisurely style of O'Hara and Ward. The book can be read with profit by those who have mastered the elements of the subject, but it is not for the beginner.

G. W. E.

BOOKS RECEIVED

J. W. N. ATKINS: *English Literary Criticism: The Renaissance*. Methuen, 16s. net.

LETTICE COOPER: *Robert Louis Stevenson*. (The English Novelists Series) Home and Van Thal, 6s. net.

RENE GUILLLOT: *Atonement in the Sun*. Staples, 6s. net.

WORLD ORDER OR CHAOS

By W. H. CHAMBERLIN

author of *Russia's Iron Age*, etc.

Demy 8vo, 15s. net

An honest analysis of current questions (including the relations of the rest of the world with Soviet Russia) which must be considered by all who realise that danger can only be averted by candid expression of opinion.

JAPAN PAST AND PRESENT

By EDWIN O. REISCHAUER

Associate Professor of Far Eastern Languages, Harvard University

With 11 maps. Crown 8vo, 8s. 6d. net

This authoritative short history of Japan, up to date to the end of 1946, carries a Preface by Sir George Sansom, K.C.M.G. in which he says: 'I can truthfully say that I do not know of any short book on Japanese history which gives so much useful information in so brief and simple a form.'

GERALD DUCKWORTH & CO. LTD.
3 HENRIETTA ST., LONDON, W.C.2



The Age of Peel and Cobden

By ELIE HALEVY

France's most noted modern historian deals with the period 1841-52 in this latest volume of 'A History of the English People'. 25s. net

The Lowells and their Seven Worlds

By FERRIS GREENSLET

Elizabeth Bowen: 'Sound entertainment... a rewarding book.' *Tatler*. Harold J. Laski: 'Mr. Greenslet's deft and attractive study.' *Listener*. With a foreword by Lord Halifax.

Illustrated. 21s. net.

The Story of Philosophy

By WILL DURANT

'Dr. Durant has undoubtedly succeeded in his aim which is "an attempt to humanise knowledge by centring the story of speculative thought around certain dominant personalities".'
Literary Guide. 21s. net.

A History of Fishes

By J. R. NORMAN

'We are most happy to see this new edition and to recommend it to all who wish to have a reliable book of reference upon fishes in general.' *The Aquarist*. *Profusely illustrated.* 21s. net.

**ERNEST BENN LIMITED
LONDON**

PROJECTIVE AND ANALYTICAL GEOMETRY

By J. A. TODD

*Ph.D., Lecturer in Mathematics
Cambridge University*

This book is intended for use as a textbook of geometry by students in the last two years of a University honours course, and is based in the main on lectures given to Cambridge undergraduates reading for the Preliminary Examination in Mathematics and for Part II of the Mathematical Tripos. It deals with the subject as an independent and closely-knit branch of pure mathematics, at the same time showing its close relationship to two fundamental branches of Algebra, the theory of matrices and the theory of algebraic invariants. Only those parts of the subject which are fundamental to the general theory are included, and all reference to metrical applications is omitted. While the book is intended to be read by students whose main mathematical interests lie in other fields, the theory has been developed by the author in a way equally suited, to the future specialist in geometry.

289 pages

25/- net

PITMAN

**Parker Street, Kingsway, London,
W.C.2**

- E. S. HOLE: *Sanity Rare: An Essay in Verse.*
Allen and Unwin, 5s. net.
- T. H. and J. HUXLEY: *Evolution and Ethics, 1893-1943.*
Pilot Press, 12s. 6d. net.
- ELIZABETH JENKINS: *Henry Fielding.*
(The English Novelists Series) Home and Van Thal, 6s. net.
- ALFRED E. KAHN: *Great Britain in the World Economy.*
Pitman, 15s. net.
- DAVID KNOWLES: *The Prospects of Medieval Studies.*
Cambridge University Press, 1s. 6d. net.
- L. J. LEBRET: *De l'efficacité politique du chrétien économie et humanisme.* *Paris: Economie et Humanisme.*
- E. ALLISON PEERS: *Behind that Wall.*
S.C.M. Press, 6s. net.
- G. H. PHELPS (edited by): *Living Writers.*
Sylvan Press, 8s. 6d. net.
- JEAN PAUL SARTRE: *Les chemins de la liberté. Vol. I. L'âge de raison. Vol. II. Le sursis.* *Paris: Gallimard.*
- FRITZ STRICH: *Der Dichter und die Zeit: eine Sammlung von Reden und Vorträgen.*
Berne: A. Francke, Frs. S. 17.80.

Articles for publication, and books for review, in THE CAMBRIDGE JOURNAL should be submitted to the General Editor, The Cambridge Journal, 1 and 2 Trinity Street, Cambridge.

The annual subscription to THE CAMBRIDGE JOURNAL is 30s. post free.

Communications regarding advertising in THE CAMBRIDGE JOURNAL should be addressed to Richmond Towers Limited, Advertisement Agents, 1 Bloomsbury Street, London, W.C.1 (Telephone Museum 1794-5).

HACHETTE

announce the new address
of their Retail Department

LIBRAIRIE FRANÇAISE

127 Regent Street
London W.1

where they are displaying the
largest assortment in London of

FRENCH BOOKS

*Art, Literature, History, Biography,
Educational and Children's Books,
etc.*

Foreign Newspapers,
Periodicals, and Magazines

THE CONTINENTAL PUBLISHERS
AND DISTRIBUTORS LIMITED